



PINOLE CITY COUNCIL AGENDA

**TUESDAY
SEPTEMBER 17, 2019**

6:00 P.M.

2131 Pear Street, Pinole, California

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

Public Comment: The public is encouraged to address the City Council on any matter listed on the agenda or on any other matter within its jurisdiction subject to the rules of decorum described in Council Resolution 2019-03. If you wish to address the City Council, please complete the gold card that is provided at the rear entrance to the Council Chambers and hand the card to the City Clerk. City Council will hear public comment on items listed on the agenda during discussion of the matter and prior to a vote. City Council will hear public comment on matters **not** listed on the agenda during Citizens to be Heard, Agenda Item 5.

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. Assisted listening devices are available at this meeting. Ask the City Clerk if you desire to use this device.

Note: Staff reports are available for inspection at the Office of the City Clerk, City Hall, 2131 Pear Street during regular business hours, 8:00 a.m. to 4:30 p.m. Monday – Thursday, and on the City Website at www.ci.pinole.ca.us. You may also contact the City Clerk via e-mail at hiopu@ci.pinole.ca.us

COUNCIL MEETINGS ARE TELEVISED 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. City Council meetings are video-streamed live on the City's website, and remain archived on the site for five (5) years.

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 REAL PROPERTY NEGOTIATORS

Gov. Code § 54956.8

Property: 401-162-003 (Bank), 401-162-001 (Corner), 401-142-010 (Blackies) & 401-142-011 (Collins)

Agency negotiator: City Manager Fitzer and Assistant City Manager De La Rosa

Negotiating parties: Jimmy Zhou

Under negotiation: Price and terms

B. CONFERENCE WITH LABOR NEGOTIATORS

Gov. Code § 54957.6

Agency designated representatives: City Manager Fitzer and Assistant City Manager De La Rosa

Employee Organizations: AFSCME, Local 1, IAFF, PPEA

OPEN SESSION WILL COMMENCE UPON COMPLETION OF CLOSED SESSION DISCUSSIONS, WHICH MAY OCCUR BEFORE 7:00 PM

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

1. California Firefighters Memorial Day

B. Presentations / Recognitions

1. Recognition of Pinole Valley High School Art Students for Mural in PD Building

2. Police Department Update by Chief Gang
3. Republic Services Annual Report by Bielle Moore

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 Meetings of August 20, and August 27, 2019
- B. Receive the August 31, 2019 – September 13, 2019 List of Warrants in the Amount of \$542,513.53 and the September 6, 2019 Payroll in the Amount of \$392,469.12
- C. Receive The Development Impact Fee Report For The Fiscal Year Ended June 30, 2019 [Action: Receive Report and Adopt Resolution per Staff Recommendation (A. Miller)]
- D. Authorize Council Member Salimi To Vote Yes On The League Of California Cities Annual Conference Resolutions [Action: Provide Authorization per Staff Recommendation (Fitzer)]
- E. Approve An Amendment To The Contract And Issue A Task Order For CSG For Staff Augmentation For An Interim Planning Manager And Building Inspector In An Amount Not To Exceed \$151,000 [Action: Adopt Resolution per Staff Recommendation (T. Miller)]
- F. Ordinance Amending Chapters 9.28 & 9.30 Of The Pinole Municipal Code Regarding The Regulation Of Tobacco Products And Tobacco Retailers [Action: Conduct Second Reading and Adopt Ordinance, per staff Recommendation (Mog)]
- G. Approve An Amendment To The Contract With Interactive Resources For Preparation Of Design And Specifications For The Faria House In An Additional Amount Of \$6,017 For A Total Contract Amount Not To Exceed \$91,397, And Amend The Budget Appropriation [Action: Adopt Resolution per Staff Recommendation (De La Rosa)]

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.

NONE

9. **OLD BUSINESS**

NONE

10. NEW BUSINESS

- A. [Approve The City Of Pinole Fiscal Year \(FY\) 2019-20 through 2023-24 Five-Year Capital Improvement Plan And Adopt the FY 2019-20 Capital Budget \[Action: Approve CIP Plan and Adopt Budget per Staff Recommendation \(A. Miller\)\]](#)

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 1, 2019 In Remembrance of Amber Swartz and Stella Faria.

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 12, 2019 at 4:00 P.M.

Heather Iopu, CMC
City Clerk

**CITY COUNCIL MEETING
MINUTES
August 20, 2019**

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

The City Council Meeting was held in the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Murray 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

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

B. STAFF PRESENT

Michelle Fitzer, City Manager
Hector De La Rosa, Assistant City Manager
Heather Iopu, City Clerk
Eric Casher, City Attorney
Neil Gang, Police Chief
Scott Kouns, Fire Chief
Tamara Miller, Development Services Director/City Engineer

City Clerk Iopu announced the agenda was posted on August 15, 2019 at 4:00 p.m. All legally required notice was provided.

City Clerk Iopu announced that additional materials pertaining to Items 6B1 and 9A on the Agenda were provided at the dais for the Council and copies were placed at the rear of the Chamber for the public,

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

3. CONVENE TO A CLOSED SESSION

The City Council convened into closed session at 6:05 p.m.

A. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Gov. Code § 54956.9(d)(2)

Number of Potential Cases: 1

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

At 7:01 Mayor Murray reconvened the meeting and announced that there was no reportable action.

5. CITIZENS TO BE HEARD (Public Comments)

At 7:01pm, the Mayor inquired if there were any Public Comments. The following speakers addressed the City Council:

John Irminger, expressed concerns regarding existing and proposed charter schools in Pinole: increased traffic, lack of diversity of students in violation of their petition, no public meetings held in Contra Costa, large scale of private spending in what was formerly a public domain, and absorption of invested parents and students from the public school system.

Joseph Gladzer, expressed concerns regarding the proposed Making Waves charter school. Existing charter school is disruptive of existing public school classes. Funding will be redirected to Charter schools and away from public education systems. Discouraged City Council from approving another charter school in Pinole.

Mitzi Perez-Caro, encouraged Council to consider implementing moratorium on charter schools as was done in Richmond.

Maureen Toms, resident of Pinole, spoke against proposed Making Waves charter school. Encouraged staff to evaluate the impact on public facilities and land use plan and housing element.

Mayor Murray made comments.

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

B. Presentations / Recognitions

1. Update on Transportation Expenditure Plan (TEP) by Randy Iwasaki, Executive Director of the Contra Costa Transportation Authority (CCTA)

Randy Iwasaki, Executive Director of the CCTA gave a presentation on the TEP and reviewed current and completed projects. Discussed future plans and highlighted financial needs.

Council members made comments and asked questions. Director Iwasaki and staff addressed questions.

2. Pinole Valley Road, Back to School Traffic Plan by Police Lieutenant Gene Alameda

Lt. Matthew Avery introduced the item and presented a video of the Back to School Traffic Plan that the Police Department created and posted online before the start of the school year. The video highlighted the changes made in the area surrounding the high school and the best practices for student drop-off and pick-up.

Council members asked questions. Staff addressed questions.

7. CONSENT CALENDAR

The following item was continued to the September 3, 2019 meeting.

- K. Amending The Master Fee Schedule For The Recreation Department Youth Center Fee **[Action: Approve Resolution per Staff Recommendation (De La Rosa)]**

The following speaker made comment on the Consent Calendar items:

Vincent Wells, resident of Pinole, spoke regarding items 7C, made comments regarding safety conditions of living quarters at the firehouse and requested that Council consider funding improvements to address those safety concerns.

City Manager Fitzer addressed the public comment.

- A. Approve the Minutes of the Meetings of June 29 and July 2, 2019.
- B. Receive the July 13, 2019 – August 16, 2019 List of Warrants in the Amount of \$2,184,914.00; the July 26, 2019 Payroll in the Amount of \$395,271.76; and the August 9, 2019 Payroll in the Amount of \$406,554.31
- C. Approve An Additional Funding Allocation Of \$17,500 To Complete The Remodel Project At Fire Station 73 **[Action: Approve Resolution per Staff Recommendation (Kouns)]**
- D. Declare The Listed Property As Surplus And Designate A Purchasing Officer To Dispose Of The Listed Property In Accordance With The Procurement Policy **[Action: Adopt Resolution per Staff Recommendation (T. Miller)]**
- F. Authorize Responses To Grand Jury Report No. 1907, Stormwater Trash Reduction” **[Action: Authorize Mayor to Sign Response Letter (Fitzer)]**
- G. Placement Of Liens For Delinquent Unpaid Waste Collection Charges Falling Delinquent Between January & April 2019, Considered At An Administrative Hearing On June 6, 2019 **[Action: Approve Resolution per Staff Recommendation (Iopu)]**
- H. Approve An Amendment To The Contract With Raney Planning And Management Inc. For Environmental Review For A Development Project At 2151 Appian Way In An Amount Not To Exceed \$52,025 **[Action: Approve Resolution per Staff Recommendation (T. Miller)]**
- J. Ordinance Amending Chapter 8.36 Of The Pinole Municipal Code Regarding Balcony Inspections **[Action: Second Reading and Adoption of Ordinance per Staff Recommendation (Casher)]**

ACTION: Motion by Councilmembers Martinez-Rubin/Swearingen to approve Consent Calendar Items A, B, C D, F, G H & J

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

The following Consent Calendar item was pulled for further discussion by Councilmember Salimi:

- E. Designating The Assistant City Manager As The City's Board Member To The Municipal Pooling Authority (MPA) Of Northern California ("Authority") And The Finance Director As The Alternate Board Member 2019 **[Action: Adopt Resolution per Staff Recommendation (Fitzer)]**

Councilmembers made comments and asked questions regarding the item.

City Manager Fitzer addressed comments and questions.

ACTION: Motion by Councilmembers Swearingen/Martinez-Rubin to approve Consent Calendar Items 7E

Vote: **Passed** **3-2**
 Ayes: **Murray, Swearingen, Martinez-Rubin**
 Noes: **Salimi, Tave**
 Abstain: **None**
 Absent: **None**

The City Council pulled the following item for discussion:

- I. Approving The Purchase Of A Seagrave Type 1 Fire Engine From Derotic Emergency Equipment In The Amount Of \$884,033, Plus \$85,500 Special Equipment For A Total Cost Of \$969,533; And Considering Approval Of The Purchase Of A Utility Terrain Vehicle (UTV) In The Amount Of \$27,000 **[Action: Approve Resolutions per Staff Recommendation (Kouns)]**

Vincent Wells, resident of Pinole, spoke regarding item 7I. Raised concern that a purchase of a new vehicle is being proposed without having a "meet and confer" with the Firefigher's union.

Council members asked questions. City Manager Fitzer and Fire Chief Kouns responded to questions.

Discussion by the City Council and staff regarding the use of the UTV vehicle and implications with regard to employee responsibilities.

ACTION: Motion by Councilmembers Martinez-Rubin/Tave to approve Consent Calendar Items I

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

8. PUBLIC HEARING

NONE

9. OLD BUSINESS

- A. Discussion Regarding Proposed FY 2019-20 Municipal Code Updates And Prioritization For Updating Specific Sections [**Action: Discuss and Provide Direction (Casher)**]

City Attorney Casher introduced the item and outlined the action.

Mayor Murray asked to add an item to the list regarding height restrictions on residences.

Council gave consensus. Council directed staff to move forward with the list as presented.

- B. Consider A Resolution Approving The Fifth Amendment And Restatement Of The Joint Exercise Of Powers Agreement (JEPA) Of The West Contra Costa Integrated Waste Management Authority [**Action: Approve Resolution per Staff Recommendation (Fitzer)**]

City Manager Fitzer presented the report and outlined the action. Gave the history of the JEPA agreement.

ACTION: Motion by Councilmembers Swearingen/Salimi to Adopt Resolution Approving The Fifth Amendment And Restatement Of The Joint Exercise Of Powers Agreement (JEPA) Of The West Contra Costa Integrated Waste Management Authority

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

- C. Approving The Council Norms Of Behavior Established During The City Council Team Building Workshop [**Action: Approve Resolution per Staff Recommendation (Fitzer)**]

City Manager Fitzer presented report and outlined the action. Reviewed the "Council Norms" that were generated at the recent City Council Teambuilding workshop on June 29, 2019.

Discussion by Council members and staff regarding the list of Council “Norms”. Council members suggested revisions to the list.

ACTION: Motion by Councilmembers Murray/Tave to Approve The Council Norms Of Behavior Established During The City Council Team Building Workshop, as revised

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

10. NEW BUSINESS

None

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements

Mayor Murray announced Coastal Clean Up Day to take place on September 21st.

Mayor Murray announced Dumpster Day on October 5th. Councilmember Swearingen asked whether we will be taking electronics and requested that the Community Services Commission distribute flyers.

Assistant City Manager De La Rosa announced that the details of what types of items will be received on Dumpster Day are on the City website and that banners will be posted ahead of the event.

Mayor Murray announced the grand opening event of Pinole High School. Gave details of the program and praised the speakers and performers. Thanked all of the organizers for putting on a great event. Also thanked the voters for approving the bond measure that funded the new facility.

- B. Mayoral & Council Appointments
 - 1. Strategic Plan Sub Committee

City Manager Fitzner provided context for the need to create a Strategic Plan Sub Committee to assist staff in moving forward in the Strategic Plan process. Consensus of the Council given to appoint Mayor Murray and Councilmember Tave as the Strategic Plan Sub-Committee.

- C. City Council Committee Reports & Communications

Councilmember Salimi announced that he will be late to next Council meeting as he will attend the French General Council and French Senators in order to promote Pinole to French government.

Councilmember Martinez-Rubin reported attending the Mayor's Conference in Brentwood on August 1st and announced that the Census efforts by the County were discussed.

Councilmember Martinez-Rubin reported attending a Town Hall meeting regarding immigration issues on August 5th held by Congressional representative Mark DeSaulnier.

Councilmember Martinez-Rubin announced Mike Thompson will hold a Town Hall locally on September 26th and encouraged Pinole residents to attend.

Councilmember Swearingen attended East Bay Cities meeting. Discussed the importance of the Census 2020 outreach efforts. Announced the Townhall meeting of Congressman Mike Thompson.

Councilmember Swearingen will attend Contra Costa Transportation Authority (CCTA) meeting. Cities will receive a draft report with regard to the sales tax measure being proposed in March 2020.

Councilmember Tave attended a community event hosted by Sequoia Real Estate.

Councilmember Tave attended Fairmede Community Meeting Job Fair. Has information from the event that he would like to share with the public. Materials will be submitted to City Clerk to retain for any members of the public who are interested in viewing them.

Councilmember Tave attended John Muir Land Trust Stargazing Night. Thanked the attendees and volunteers and stated that it is a great event for children.

Councilmember Tave attended the Pinole High School opening. Announced the Congressman Mike Thompson Town Hall meeting on August 26th. Announced National Night Out was a very successful event.

Councilmember Tave submitted letter for the September 3rd City Council meeting agenda item regarding detention centers.

Councilmember Tave spoke regarding the Town Hall that was attended by Councilmember Tave and Salimi in Pinole. Expressed that this was an information gathering event. Outlined the intent and gave details of the meeting.

Council members asked questions and made comments regarding Councilmember Tave's report.

City Attorney Casher responded to questions from Council.

D. Council Requests For Future Agenda Items

Councilmember Martinez-Rubin asked for agenda item to discuss the representation of City Council at town hall type meetings and how to acquire information from the public. Consensus given by Council.

Councilmember Tave requested an agenda item to discuss a job fair hosted by the City. Consensus given by Council.

E. City Manager Report / Department Staff

No report.

F. City Attorney Report

No report.

12. ADJOURNMENT to the Regular City Council Meeting of September 3, 2019 In Remembrance of Amber Swartz.

At 10:25 p.m., Mayor Murray adjourned to the City Council Meeting of September 3, 2019 In Remembrance of Amber Swartz.

Submitted by:

Heather Iopu, CMC
City Clerk

Approved by City Council:

**CITY COUNCIL MEETING
MINUTES
August 27, 2019**

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

The City Council Meeting was held in the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Murray called the Regular Meeting of the City Council to order 5:04 p.m. and led the Pledge of Allegiance.

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

A. COUNCILMEMBERS PRESENT

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

B. STAFF PRESENT

Michelle Fitzer, City Manager
Hector De La Rosa, Assistant City Manager
Heather Iopu, City Clerk
Eric Casher, City Attorney
Scott Kouns, Fire Chief
Tamara Miller, Development Services Director/City Engineer

City Clerk Iopu announced the agenda was posted on August 22nd at 4:00 p.m. then amended and posted on August 23rd at 1:00 p.m.. All legally required notice was provided.

City Clerk Iopu announced that additional materials pertaining to Agenda Item 5A on the agenda were provided at the dais for the Council and copies were placed at the rear of the Chamber for the public.

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

3. CONVENE TO A CLOSED SESSION

A. PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Gov. Code § 54957

Title: City Manager

The City Council convened into closed session at 5:06 p.m.

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

At 6:08 Mayor Murray reconvened the meeting and City Attorney Casher announced that there was no reportable action.

5. OLD BUSINESS

A. Fire Study & Potential Ballot Measure Timing [Action: Discuss & Provide Direction (Fitzer)]

City Manager Fitzer introduced the item.

Councilmember Salimi presented a report he created regarding his opinion of the timeline of the fire study and potential ballot measure. Expressed concerns regarding not having sufficient time to move forward with a ballot measure in March 2020.

City Manager Fitzer provided information in response to Council member Salimi's report.

Council members asked questions of Council member Salimi regarding his report.

Council member Salimi responded to questions.

Discussion by Council members and staff regarding the existing timeline for the current Fire Study and proposing a ballot measure for the March 2020 Primary Election. Discussion of the possibility to wait for the November 2020 election

The following speakers addressed the City Council:

Thelma McPherson, resident of Pinole, stated that more code enforcement and weed abatement would help with fire hazards and expressed opposition to an increase in any additional tax.

Rafael Menis, resident of Pinole, spoke regarding Council member Salimi's report. Stated that the tax being proposed by the CCTA will clearly be different than the one from the City. Made comments regarding funding of fire study and asked whether other types of taxes are being considered other than a parcel tax. Asked that the public have the opportunity to give input on the draft study.

Ivette Ricco, resident of Pinole, expressed that fire safety is of great concern to the community. Asked whether the City has the information it needs in order to be successful in regards to a ballot measure.

Sandy McNeel, resident of Pinole, spoke regarding the importance of public education efforts for a fire study and expressed concerns regarding the first community fire study workshop.

Chris Wimmer, resident of Pinole, spoke that he has lived here 60 years, spoke regarding the importance of having a fire station in Pinole Valley. Expressed not wanting to rush the ballot measure question so that it has a better chance for success.

Debbie Long, resident of Pinole, stated that there is not enough time to put the ballot measure forward in March 2020 and expressed that the public hasn't been given enough information it

needs in order to make the decision. Encouraged the Council to wait until the November 2020 election.

Vincent Wells, spoke regarding the timing of the ballot measure. Asked for clarification regarding what the next steps will be at the conclusion of this meeting. Made comments regarding the process and asked that the City slow down in order to get more community support.

Bob Kopp, resident of Pinole, spoke regarding the need to provide more information from the public. Agreed with Council member Salimi's proposal to extend the ballot measure timeline.

Allen Dorsey, spoke regarding the community and importance of educating the public ahead of placing a measure on the ballot. Encouraged the Council to increase community outreach in order to gather more information and make the best decision.

Councilmembers asked questions and made comments.

Staff responded to comments and questions of Council members.

ACTION: Motion by Councilmembers Martinez-Rubin/Swearingen to Move the Fire Ballot Measure Question from the March 2020 Election to the November 2020 Election, Provided That All Scheduled Steps Have Been Completed and the City Has Sufficient Information.

| | | |
|--------------|-----------------|---|
| Vote: | Passed | 4-1 |
| | Ayes: | Murray, Swearingen, Tave, Salimi |
| | Noes: | Martinez-Rubin |
| | Abstain: | None |
| | Absent: | None |

6. **ADJOURNMENT** to the Regular City Council Meeting of September 3, 2019 In Remembrance of Amber Swartz.

At 8:13 p.m. p.m., Mayor Murray adjourned to the City Council Meeting of September 3, 2019 In Remembrance of Amber Swartz.

Submitted by:

Heather Iopu, CMC
City Clerk

Approved by City Council:



City of Pinole, CA

WARRANT LISTING

By Vendor Name

Payment Dates 08/31/2019 - 09/13/2019

| Payable Number | Payment Number | Payment Date | Account Number | Description (Payable) | Amount |
|--|----------------|--------------|----------------|---|-----------------|
| Vendor: 1677 - ALEX DAFFON | | | | | |
| 90919 | 92015 | 09/13/2019 | 209-20309 | PYC MAIN RENTAL 9/7/19 DEPOSIT REFUND | 250.00 |
| Vendor 1677 - ALEX DAFFON Total: | | | | | 250.00 |
| Vendor: 1672 - AMBER MILLER-SMITH | | | | | |
| 90419 | 91934 | 09/06/2019 | 209-20309 | PYC RENTAL 8/31/19 DEPOSIT REFUND | 250.00 |
| Vendor 1672 - AMBER MILLER-SMITH Total: | | | | | 250.00 |
| Vendor: AME41 - AMERICAN LEGAL PUBLISHING | | | | | |
| 0130108 | 92016 | 09/13/2019 | 100-112-42101 | AUG 2019 S-23 EDITING | 318.41 |
| 0130210 | 92016 | 09/13/2019 | 100-112-42101 | AUG 2019 S-23 FOLIO/INTERNET UPDATE | 31.66 |
| Vendor AME41 - AMERICAN LEGAL PUBLISHING Total: | | | | | 350.07 |
| Vendor: AME52 - AMERICAN MESSAGING SERVICE, LLC | | | | | |
| W4102378TH | 91935 | 09/06/2019 | 100-231-42105 | SERVICE FROM 8/01- 8/31/19- FD | 25.94 |
| W4102378TI | 92017 | 09/13/2019 | 100-231-42104 | SERVICE CALLS | 27.44 |
| Vendor AME52 - AMERICAN MESSAGING SERVICE, LLC Total: | | | | | 53.38 |
| Vendor: AME22 - AMERICAN STAGE TOURS | | | | | |
| 26818 | 91936 | 09/06/2019 | 209-552-43805 | MYSTERY TRIP- SC | 5,040.00 |
| Vendor AME22 - AMERICAN STAGE TOURS Total: | | | | | 5,040.00 |
| Vendor: AME46 - AMERICAN TEXTILE & SUPPLY, INC. | | | | | |
| 101360 | 92018 | 09/13/2019 | 500-642-42108 | FLOOR DRY, COURSE DE | 319.88 |
| Vendor AME46 - AMERICAN TEXTILE & SUPPLY, INC. Total: | | | | | 319.88 |
| Vendor: ROD01 - ANNETTE RODRIGUEZ | | | | | |
| 82919 | 91937 | 09/06/2019 | 209-552-43802 | EXERCISE 10 CLASSES- SC | 450.00 |
| Vendor ROD01 - ANNETTE RODRIGUEZ Total: | | | | | 450.00 |
| Vendor: PEL02 - APEX REFRIGERATION CORP. | | | | | |
| 10513 | 92019 | 09/13/2019 | 209-554-42108 | LABOR AND TRUCK CHARGE- YC | 315.00 |
| Vendor PEL02 - APEX REFRIGERATION CORP. Total: | | | | | 315.00 |
| Vendor: ARA01 - ARAMARK UNIFORM SERVICES | | | | | |
| 704512626 | 92020 | 09/13/2019 | 209-552-43804 | SUPPLIES SC | 182.33 |
| 704512632 | 92020 | 09/13/2019 | 100-222-44410 | SAFETY CLOTHING- PD | 4.51 |
| 704522883 | 92020 | 09/13/2019 | 209-552-43804 | SUPPLIES SC | 182.33 |
| 704522890 | 92020 | 09/13/2019 | 100-222-44410 | SAFETY CLOTHING- PD | 4.51 |
| 704533134 | 92020 | 09/13/2019 | 209-552-43804 | SUPPLIES SC | 214.93 |
| 704533140 | 92020 | 09/13/2019 | 100-222-44410 | SAFETY CLOTHING- PD | 4.51 |
| 704543450 | 92020 | 09/13/2019 | 209-552-43804 | SUPPLIES- SC | 182.33 |
| 704543457 | 92020 | 09/13/2019 | 100-222-44410 | SAFETH CLOTHING- PD | 4.51 |
| AUG 31 19- 3900 | 92020 | 09/13/2019 | 100-231-44410 | MONTHLY STATEMENT- FIRE | 257.22 |
| AUG 31 19- 4715 | 92020 | 09/13/2019 | 207-344-44410 | MONTHLY STATEMENT-NPDES STORM WATER | 132.63 |
| AUG 31 19- 4717 | 92020 | 09/13/2019 | 500-642-44410 | MONTHLY STATEMENT-SEWER COLLECTION | 184.78 |
| AUG 31 19- 4718 | 92020 | 09/13/2019 | 100-343-44410 | MONTHLY STATEMENT- GENERAL MAINTENANCE | 194.43 |
| AUG 31 19- 4719 | 92020 | 09/13/2019 | 500-641-44410 | MONTHLY STATEMENT- WPCP | 1,233.75 |
| AUG 31 19-4714 | 92020 | 09/13/2019 | 100-342-44410 | MONTHLY STATEMENT-VEHICLE MAINTENANCE | 281.05 |
| Vendor ARA01 - ARAMARK UNIFORM SERVICES Total: | | | | | 3,063.82 |

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| Vendor: ARM09 - ARMOUR PETROLEUM SVC/EQUP | | | | | |
| WO-14778 | 91938 | 09/06/2019 | 100-343-42108 | ANNUAL AIR QUALITY SOURCE TESTING | 592.00 |
| Vendor ARM09 - ARMOUR PETROLEUM SVC/EQUP Total: | | | | | 592.00 |
| Vendor: 1666 - ASSOCIATION OF GOVERNMENT ACCOUNTANTS | | | | | |
| 149844 | 91939 | 09/06/2019 | 100-115-42401 | GOVERNMENT MEMBER DUES 4/1- 3/31/2020 | 53.00 |
| Vendor 1666 - ASSOCIATION OF GOVERNMENT ACCOUNTANTS Total: | | | | | 53.00 |
| Vendor: ATT01 - AT&T | | | | | |
| 000013503378 | 91940 | 09/06/2019 | 525-118-43101 | 9350BAN CABLE SERVICES- IT Includes 6/ 20 payment | 1,630.97 |
| 000013554337 | 92021 | 09/13/2019 | 525-118-43101 | 7139BAN CABLE SERVICES- IT | 214.72 |
| Vendor ATT01 - AT&T Total: | | | | | 1,845.69 |
| Vendor: DUG01 - BARRY DUGGAN | | | | | |
| 90419 | 91941 | 09/06/2019 | 100-221-42514 | REIMBURSEMENT FOR K9 KAISER FOOD | 102.79 |
| Vendor DUG01 - BARRY DUGGAN Total: | | | | | 102.79 |
| Vendor: BAY34 - BAY AREA NEWS GROUP | | | | | |
| 0001213844 | 92022 | 09/13/2019 | 100-112-42514 | MONTHLY STMT CLASSIFIED ADVERTISING | 183.60 |
| 0001213844 | 92022 | 09/13/2019 | 212-462-42514 | MONTHLY STMT CLASSIFIED ADVERTISING | 173.70 |
| Vendor BAY34 - BAY AREA NEWS GROUP Total: | | | | | 357.30 |
| Vendor: BEA03 - BEARING ENGINEERING CO. | | | | | |
| 5524713 | 91942 | 09/06/2019 | 500-641-42107 | SUPPLIES/PARTS- TP | 392.02 |
| Vendor BEA03 - BEARING ENGINEERING CO. Total: | | | | | 392.02 |
| Vendor: BIR05 - BIRITE FOODSERVICE DISTRIBUTORS | | | | | |
| 5801834 | 91943 | 09/06/2019 | 209-552-43804 | FOOD PROGRAM- SC | 1,092.94 |
| Vendor BIR05 - BIRITE FOODSERVICE DISTRIBUTORS Total: | | | | | 1,092.94 |
| Vendor: 1656 - BOND BLACKTOP, INC | | | | | |
| 16372 | 92023 | 09/13/2019 | 200-343-47205 | 2018 PAVEMENT SLURRY SEAL PROJECT | 14,411.50 |
| Vendor 1656 - BOND BLACKTOP, INC Total: | | | | | 14,411.50 |
| Vendor: CAL20 - CALIFORNIA ASSOCIATION OF PROFESSIONAL FIREFIGHTERS | | | | | |
| SEP 2019 | 91944 | 09/06/2019 | 100-231-41008 | LONG TERM DISABILITY PLAN | 245.00 |
| Vendor CAL20 - CALIFORNIA ASSOCIATION OF PROFESSIONAL FIREFIGHTERS Total: | | | | | 245.00 |
| Vendor: PER03 - CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTM | | | | | |
| 100000015779484 | 91945 | 09/06/2019 | 100-115-42101 | Fees for GASB-68 Reports & Schedules | 1,750.00 |
| 100000015788587 | 92024 | 09/13/2019 | 100-117-41004 | Annual Unf Acc Liab as of June 30, 2017 ID 674 | 86,881.75 |
| 100000015788595 | 92024 | 09/13/2019 | 100-117-41004 | Annual Unf Acc Liab as of June 30, 2017 ID 675 | 94,233.76 |
| 100000015788604 | 92024 | 09/13/2019 | 100-117-41004 | Annual Unf Acc Liab as of June 30, 2017 ID 25716 | 153.20 |
| 100000015788612 | 92024 | 09/13/2019 | 100-117-41004 | Annual Unf Acc Liab as of June 30, 2017 ID 25717 | 267.55 |
| 100000015788620 | 92024 | 09/13/2019 | 100-117-41004 | Annual Unf Acc Liab as of June 30, 2017 ID 27205 | 194.72 |
| Vendor PER03 - CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTM Total: | | | | | 183,480.98 |
| Vendor: CAL01 - CALTEST ANALYTICAL LAB | | | | | |
| 601469 | 91946 | 09/06/2019 | 500-641-44305 | SUPPLIES- TP | 365.00 |
| 601650 | 91946 | 09/06/2019 | 500-641-44305 | SUPPLIES- TP | 1,093.45 |
| Vendor CAL01 - CALTEST ANALYTICAL LAB Total: | | | | | 1,458.45 |
| Vendor: CCP03 - CCP INDUSTRIES | | | | | |
| IN02371052 | 91947 | 09/06/2019 | 500-641-44410 | SUPPLIES- TP | 105.77 |
| Vendor CCP03 - CCP INDUSTRIES Total: | | | | | 105.77 |

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| Vendor: CIT08 - CITY MECHANICAL, INC | | | | | |
| 57887 | 91948 | 09/06/2019 | 100-222-42108 | SERVICE PUBLIC SAFETY BUILDING | 1,138.92 |
| 57934 | 91948 | 09/06/2019 | 209-558-42108 | SERVICE MEMORIAL HALL | 715.90 |
| 57935 | 91948 | 09/06/2019 | 100-222-42108 | SERVICE PUBLIC SAFETY BUILDING | 630.00 |
| 57964 | 91948 | 09/06/2019 | 209-558-42108 | SERVICE MEMORIAL HALL | 782.59 |
| Vendor CIT08 - CITY MECHANICAL, INC Total: | | | | | 3,267.41 |
| Vendor: CON16 - CITY OF CONCORD | | | | | |
| 80173 | 92025 | 09/13/2019 | 100-112-42514 | PRINTING SERVICES | 95.74 |
| Vendor CON16 - CITY OF CONCORD Total: | | | | | 95.74 |
| Vendor: CLE01 - CLEARS, INC. | | | | | |
| AUG 28 19 | 91949 | 09/06/2019 | 100-222-42401 | FY2019 MEMBERSHIP DUES LAW ENFORCEMENT ASSOCIATION | 50.00 |
| Vendor CLE01 - CLEARS, INC. Total: | | | | | 50.00 |
| Vendor: 1234 - COASTLAND CIVIL ENGINEERING, INC. | | | | | |
| 46612 | 92026 | 09/13/2019 | 106-345-47203 | 1164133 Pinole On-Call Engineering 2019-20 | 487.50 |
| Vendor 1234 - COASTLAND CIVIL ENGINEERING, INC. Total: | | | | | 487.50 |
| Vendor: COM42 - COMMERCIAL SUPPORT SERVICES | | | | | |
| 57809 | 92027 | 09/13/2019 | 100-112-42514 | BALANCE ON SMOKING ORDINANCE MAILER COST | 79.04 |
| Vendor COM42 - COMMERCIAL SUPPORT SERVICES Total: | | | | | 79.04 |
| Vendor: CON56 - CONCENTRA MEDICAL CENTERS | | | | | |
| 65176596 | 91950 | 09/06/2019 | 100-116-42101 | DOT RECERT/PHYSICAL RECERTIFICATION- PW | 79.50 |
| Vendor CON56 - CONCENTRA MEDICAL CENTERS Total: | | | | | 79.50 |
| Vendor: CON09 - CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT | | | | | |
| POE 001 | 91951 | 09/06/2019 | 105-231-47201 | UPGRADE ALERTING SYSTEM AT STATION 73 | 42,891.16 |
| Vendor CON09 - CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT Total: | | | | | 42,891.16 |
| Vendor: COR01 - CORBIN WILLITS SYSTEMS, INC | | | | | |
| 000b90731 | 92028 | 09/13/2019 | 525-118-42106 | PROJECT SOFTWARE AND INSTALLATION | 1,600.00 |
| Vendor COR01 - CORBIN WILLITS SYSTEMS, INC Total: | | | | | 1,600.00 |
| Vendor: CRI07 - CRIME SCENE CLEANERS INC. | | | | | |
| 71844 | 91952 | 09/06/2019 | 100-221-42101 | CLEAN/DISINFECT BROODY CHAIR | 100.00 |
| Vendor CRI07 - CRIME SCENE CLEANERS INC. Total: | | | | | 100.00 |
| Vendor: CSI01 - CSI FORENSIC SUPPLY | | | | | |
| 149 | 91953 | 09/06/2019 | 100-222-42514 | FORENSIC SUPPLIES- PD | 71.67 |
| Vendor CSI01 - CSI FORENSIC SUPPLY Total: | | | | | 71.67 |
| Vendor: 1670 - DARLENE PLAMENCO | | | | | |
| 82619 | 91954 | 09/06/2019 | 209-20309 | PYC RENTAL 8/24/19 DEPOSIT REFUND | 250.00 |
| Vendor 1670 - DARLENE PLAMENCO Total: | | | | | 250.00 |
| Vendor: DAR02 - DARLING INGREDIENTS INC. | | | | | |
| 10577529 | 91955 | 09/06/2019 | 209-552-43810 | TRAP SERVICE- SC | 169.71 |
| Vendor DAR02 - DARLING INGREDIENTS INC. Total: | | | | | 169.71 |
| Vendor: 1669 - DAVID S. ANGELO | | | | | |
| 40106 | 91956 | 09/06/2019 | 100-341-42201 | SUPPLIES- PW | 579.17 |
| Vendor 1669 - DAVID S. ANGELO Total: | | | | | 579.17 |

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| Vendor: 1668 - DELTA SIGMA THETA | | | | | |
| 62119 | 91957 | 09/06/2019 | 209-20308 | UNCLAIMED PROPERTY CK#87747 PSC DEPOSIT REFUND | 250.00 |
| Vendor 1668 - DELTA SIGMA THETA Total: | | | | | 250.00 |
| Vendor: DEP01 - DEPARTMENT OF JUSTICE/ACCOUNTING OFFICE | | | | | |
| 400463 | 92029 | 09/13/2019 | 100-221-42110 | FINGERPRINT SERVICES- PD | 194.00 |
| Vendor DEP01 - DEPARTMENT OF JUSTICE/ACCOUNTING OFFICE Total: | | | | | 194.00 |
| Vendor: DIV01 - DIVERSIFIED RISK/HUB INTERNATIONAL | | | | | |
| AUG 2019 | 92030 | 09/13/2019 | 209-552-38112 | SPECIAL EVENTS INSURANCE FOR THE MONTH OF AUGUST | 404.76 |
| AUG 2019 | 92030 | 09/13/2019 | 209-554-38112 | SPECIAL EVENTS INSURANCE FOR THE MONTH OF AUGUST | 313.94 |
| Vendor DIV01 - DIVERSIFIED RISK/HUB INTERNATIONAL Total: | | | | | 718.70 |
| Vendor: EBM01 - EBMUD | | | | | |
| 13648-82819 | 91958 | 09/06/2019 | 100-343-43102 | 2161 Plum St--Parking Lot Irrigation | 78.75 |
| 24589-82819 | 91958 | 09/06/2019 | 100-345-43102 | 592 Marlesta Rd--Irrigation Use Only | 1,386.09 |
| 26819-82019 | 91958 | 09/06/2019 | 100-345-43102 | 2501 Pfeiffer Way--Irrigation Use Only | 144.53 |
| 29821-82819 | 91958 | 09/06/2019 | 209-552-43102 | 2500 Charles St--Senior Center | 839.08 |
| 29852-82819 | 91958 | 09/06/2019 | 209-552-43102 | 2500 Charles St--Senior Center | 943.78 |
| 31771-82819 | 91958 | 09/06/2019 | 100-343-43102 | 2691 APPALOOSA TRAIL- IRRIGATION USE ONLY | 202.31 |
| 31772-82819 | 91958 | 09/06/2019 | 100-343-43102 | 2785 SIMAS AVE--IRRIGATION USE ONLY | 202.31 |
| 31774-82619 | 91958 | 09/06/2019 | 100-343-43102 | 3001 Simas Ave--Irrigation Use Only | 135.75 |
| 31775-82619 | 91958 | 09/06/2019 | 100-343-43102 | 3061 Simas Ave--Irrigation Use Only | 135.75 |
| 32000-82819 | 91958 | 09/06/2019 | 201-343-43102 | 2361 San Pablo Ave--Offices--Old Bank Building | 529.02 |
| 32187-82619 | 91958 | 09/06/2019 | 100-343-43102 | 2601 Charles St--Irrigation Use Only | 52.14 |
| 35474-82219 | 91958 | 09/06/2019 | 209-559-43102 | 2937 Pinole Valley Rd--Tennis Court Restrooms | 68.43 |
| 40499-82619 | 91958 | 09/06/2019 | 100-343-43102 | 1230 Pinole Valley Rd--Irrigation Use Only | 52.14 |
| 40787-82619 | 91958 | 09/06/2019 | 201-343-43102 | 2361 San Pablo Ave--Irrigation Use Only | 52.14 |
| 41397-82819 | 91958 | 09/06/2019 | 100-343-43102 | 1601 Marlesta Rd--Irrigation Use Only | 52.18 |
| 44461-82819 | 91958 | 09/06/2019 | 100-110-43102 | 2131 Pear St--Offices--City Hall | 2.64 |
| 44461-82819 | 91958 | 09/06/2019 | 100-111-43102 | 2131 Pear St--Offices--City Hall | 6.37 |
| 44461-82819 | 91958 | 09/06/2019 | 100-112-43102 | 2131 Pear St--Offices--City Hall | 5.84 |
| 44461-82819 | 91958 | 09/06/2019 | 100-115-43102 | 2131 Pear St--Offices--City Hall | 17.29 |
| 44461-82819 | 91958 | 09/06/2019 | 100-116-43102 | 2131 Pear St--Offices--City Hall | 5.84 |
| 44461-82819 | 91958 | 09/06/2019 | 100-117-43102 | 2131 Pear St--Offices--City Hall | 46.68 |
| 44461-82819 | 91958 | 09/06/2019 | 100-343-43102 | 2131 Pear St--Offices--City Hall | 83.18 |
| 44461-82819 | 91958 | 09/06/2019 | 200-342-43102 | 2131 Pear St--Offices--City Hall | 14.85 |
| 44461-82819 | 91958 | 09/06/2019 | 212-461-43102 | 2131 Pear St--Offices--City Hall | 5.62 |
| 44461-82819 | 91958 | 09/06/2019 | 212-462-43102 | 2131 Pear St--Offices--City Hall | 14.96 |
| 44461-82819 | 91958 | 09/06/2019 | 285-464-43102 | 2131 Pear St--Offices--City Hall | 4.46 |
| 44461-82819 | 91958 | 09/06/2019 | 505-119-43102 | 2131 Pear St--Offices--City Hall | 4.46 |
| 45474-82819 | 91958 | 09/06/2019 | 100-110-43102 | 2131 Pear St--Offices--City Hall | 6.60 |
| 45474-82819 | 91958 | 09/06/2019 | 100-111-43102 | 2131 Pear St--Offices--City Hall | 15.87 |
| 45474-82819 | 91958 | 09/06/2019 | 100-112-43102 | 2131 Pear St--Offices--City Hall | 14.55 |
| 45474-82819 | 91958 | 09/06/2019 | 100-115-43102 | 2131 Pear St--Offices--City Hall | 43.12 |
| 45474-82819 | 91958 | 09/06/2019 | 100-116-43102 | 2131 Pear St--Offices--City Hall | 14.55 |
| 45474-82819 | 91958 | 09/06/2019 | 100-117-43102 | 2131 Pear St--Offices--City Hall | 116.38 |

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| 45474-82819 | 91958 | 09/06/2019 | 100-343-43102 | 2131 Pear St--Offices--City Hall | 207.38 |
| 45474-82819 | 91958 | 09/06/2019 | 200-342-43102 | 2131 Pear St--Offices--City Hall | 37.03 |
| 45474-82819 | 91958 | 09/06/2019 | 212-461-43102 | 2131 Pear St--Offices--City Hall | 14.02 |
| 45474-82819 | 91958 | 09/06/2019 | 212-462-43102 | 2131 Pear St--Offices--City Hall | 37.30 |
| 45474-82819 | 91958 | 09/06/2019 | 285-464-43102 | 2131 Pear St--Offices--City Hall | 11.11 |
| 45474-82819 | 91958 | 09/06/2019 | 505-119-43102 | 2131 Pear St--Offices--City Hall | 11.11 |
| 53826-82119 | 91958 | 09/06/2019 | 310-348-47202 | 2677 Pinole Valley Rd--Irrigation Use Only | 686.56 |
| 54167-82819 | 91958 | 09/06/2019 | 100-345-43102 | 1600 Primrose Lane--Irrigation Use Only | 665.00 |
| 54625-82819 | 91958 | 09/06/2019 | 209-558-43102 | 601 Tennent Ave--Memorial Hall | 270.14 |
| 64589-82619 | 91958 | 09/06/2019 | 100-345-43102 | 659 Tennent Ave--Parks & Gardens--Blackies Storage | 52.04 |
| 64595-82819 | 91958 | 09/06/2019 | 209-554-43102 | 635 Tennent Ave--Pinole Youth Center/CTV | 157.13 |
| 64595-82819 | 91958 | 09/06/2019 | 505-119-43102 | 635 Tennent Ave--Pinole Youth Center/CTV | 157.14 |
| 64596-82819 | 91958 | 09/06/2019 | 100-345-43102 | 2310 Park St--Fernandez Park Baseball Field | 5,899.25 |
| 65167-82819 | 91958 | 09/06/2019 | 201-343-43102 | 2100 San Pablo Ave--Offices--Faria House | 358.97 |
| 65168-82619 | 91958 | 09/06/2019 | 201-343-43102 | 2100 San Pablo Ave--Irrigation Use Only | 52.04 |
| 65169-82819 | 91958 | 09/06/2019 | 201-343-43102 | 2100 San Pablo Ave--Offices--Faria House | 94.74 |
| 65183-82819 | 91958 | 09/06/2019 | 201-343-43102 | 2361 San Pablo Ave--Old Bank Building | 52.14 |
| 65190-82619 | 91958 | 09/06/2019 | 201-343-43102 | 813 Fernandez Ave--Irrigation Use Only | 52.14 |
| 65395-82819 | 91958 | 09/06/2019 | 100-345-43102 | 1095 Nob Hill Ave--Parks & Gardens--Meadow Park | 1,643.19 |
| 65422-82819 | 91958 | 09/06/2019 | 500-641-43102 | 80 TENNENT AVE--WASTE WATER TREATMENT PLANT | 2,258.77 |
| 65569-82819 | 91958 | 09/06/2019 | 209-558-43102 | 601 Tennent Ave--Memorial Hall | 112.05 |
| 65922-82619 | 91958 | 09/06/2019 | 100-343-43102 | 636 Tennent Ave--Irrigation Use Only | 52.04 |
| 65923-82819 | 91958 | 09/06/2019 | 100-231-43102 | 880 Tennent Ave--Public Safety Facility/Building | 529.02 |
| 65924-82819 | 92031 | 09/13/2019 | 100-222-43102 | 880 Tennent Ave--Public Safety Facility/Building | 604.91 |
| 65924-82819 | 92031 | 09/13/2019 | 100-223-43102 | 880 Tennent Ave--Public Safety Facility/Building | 134.42 |
| 65924-82819 | 92031 | 09/13/2019 | 100-231-43102 | 880 Tennent Ave--Public Safety Facility/Building | 604.91 |
| 66363-82819 | 91958 | 09/06/2019 | 100-345-43102 | 1818 Canyon Dr--Irrigation Use Only | 544.33 |
| 66529-82619 | 91958 | 09/06/2019 | 100-345-43102 | 656 Pinole Shores Dr--Irrigation Use Only | 78.61 |
| 66531-82819 | 91958 | 09/06/2019 | 100-343-43102 | 800 PINOLE SHORES DR-IRRIGATION USE ONLY | 202.31 |
| 66532-82619 | 91958 | 09/06/2019 | 100-343-43102 | 901 Pinole Shores Dr--Irrigation Use Only | 135.75 |
| 66535-82619 | 91958 | 09/06/2019 | 100-343-43102 | 1001 Pinole Shores Dr--Irrigation Use Only | 135.75 |
| 66536-82819 | 91958 | 09/06/2019 | 100-343-43102 | 2401 Del Monte Way--Irrigation Use Only | 52.14 |
| 66553-82619 | 91958 | 09/06/2019 | 100-343-43102 | 2301 1/2 San Pablo Ave--Irrigation Use Only | 78.75 |
| 66640-82619 | 91958 | 09/06/2019 | 100-343-43102 | 726 San Pablo Ave--Irrigation Use Only | 78.61 |
| 66641-82819 | 91958 | 09/06/2019 | 100-343-43102 | 880 San Pablo Ave--Irrigation Use Only | 593.53 |

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| 66642-82619 | 91958 | 09/06/2019 | 100-343-43102 | 1400 San Pablo Ave--Irrigation Use Only | 78.61 |
| 66643-82619 | 91958 | 09/06/2019 | 100-343-43102 | 2000 San Pablo Ave--Irrigation Use Only | 78.61 |
| 70108-82919 | 92031 | 09/13/2019 | 310-347-43102 | 1303 Pinole Valley Rd--Irrigation Use Only | 792.30 |
| 71919-82619 | 91958 | 09/06/2019 | 100-343-43102 | 2329 Orleans Dr--Irrigation Use Only | 109.04 |
| 88057-82319 | 91958 | 09/06/2019 | 100-343-43102 | 1960 Sarah Dr--Irrigation Use Only | 224.05 |
| 88057-83019 | 92031 | 09/13/2019 | 100-343-43102 | 1960 Sarah Dr--Irrigation Use Only | 244.05 |
| | | | | Vendor EBM01 - EBMUD Total: | 23,478.65 |
| Vendor: 1592 - EMERGENCY SERVICES CONSULTING INTERNATIONAL | | | | | |
| 19-295 | 92032 | 09/13/2019 | 105-231-42101 | CONSULTING MONTHLY PROGRESS INVOICING | 3,000.00 |
| | | | | Vendor 1592 - EMERGENCY SERVICES CONSULTING INTERNATIONAL Total: | 3,000.00 |
| Vendor: 1671 - EUNIDE TAVE | | | | | |
| 82619 | 91962 | 09/06/2019 | 209-20309 | PYC RENTAL 8/25/19 DEPOSIT REFUND | 500.00 |
| | | | | Vendor 1671 - EUNIDE TAVE Total: | 500.00 |
| Vendor: FOR02 - FORENSIC SERVICES DIVISION | | | | | |
| PINPD-1907 | 91963 | 09/06/2019 | 100-222-42101 | ALCOHOL/TOXICOLOGY- PD | 950.00 |
| | | | | Vendor FOR02 - FORENSIC SERVICES DIVISION Total: | 950.00 |
| Vendor: GLO08 - GLOBALSTAR | | | | | |
| 1000000010558177 | 91964 | 09/06/2019 | 525-118-43101 | MONTHLY CHARGES- Includes July Charges | 233.38 |
| | | | | Vendor GLO08 - GLOBALSTAR Total: | 233.38 |
| Vendor: 1676 - GOLDSTREET DESIGN AGENCY, INC | | | | | |
| 1911 | 92033 | 09/13/2019 | 500-641-42109 | SUPPLIES- TP | 1,787.91 |
| | | | | Vendor 1676 - GOLDSTREET DESIGN AGENCY, INC Total: | 1,787.91 |
| Vendor: VER02 - GTE MOBILNET OF CALIFORNIA LIMITED PARTNERSHIP | | | | | |
| 9836147235 | 91965 | 09/06/2019 | 525-118-43101 | PHONE/MONITORS-PD/FD FROM JULY 16- AUG 15 19 | 4,412.01 |
| | | | | Vendor VER02 - GTE MOBILNET OF CALIFORNIA LIMITED PARTNERSHIP Total: | 4,412.01 |
| Vendor: HAC01 - HACH COMPANY | | | | | |
| 11576045 | 91966 | 09/06/2019 | 500-641-44305 | SUPPLIES- TP | 63.89 |
| 11583918 | 91966 | 09/06/2019 | 500-641-44303 | SUPPLIES- TP | 57.36 |
| | | | | Vendor HAC01 - HACH COMPANY Total: | 121.25 |
| Vendor: HAR01 - HARRINGTON IND.PLASTICS | | | | | |
| 006L2336 | 92034 | 09/13/2019 | 500-641-42107 | PARTS- TP | 290.03 |
| | | | | Vendor HAR01 - HARRINGTON IND.PLASTICS Total: | 290.03 |
| Vendor: HEA01 - HEALTH CARE DENTAL TRUST | | | | | |
| SEP 2019 | 91967 | 09/06/2019 | 100-110-41002 | DENTAL PREMIUMS FOR SEP 2019 | 581.32 |
| SEP 2019 | 91967 | 09/06/2019 | 100-111-41002 | DENTAL PREMIUMS FOR SEP 2019 | 133.72 |
| SEP 2019 | 91967 | 09/06/2019 | 100-112-41002 | DENTAL PREMIUMS FOR SEP 2019 | 156.94 |
| SEP 2019 | 91967 | 09/06/2019 | 100-113-41002 | DENTAL PREMIUMS FOR SEP 2019 | 62.18 |
| SEP 2019 | 91967 | 09/06/2019 | 100-115-41002 | DENTAL PREMIUMS FOR SEP 2019 | 470.82 |
| SEP 2019 | 91967 | 09/06/2019 | 100-116-41002 | DENTAL PREMIUMS FOR SEP 2019 | 219.12 |
| SEP 2019 | 91967 | 09/06/2019 | 100-117-41002 | DENTAL PREMIUMS FOR SEP 2019 | 219.12 |
| SEP 2019 | 91967 | 09/06/2019 | 100-221-41002 | DENTAL PREMIUMS FOR SEP 2019 | 2,553.40 |

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|--|----------------|--------------|----------------|--|-----------|
| SEP 2019 | 91967 | 09/06/2019 | 100-221-41002 | DENTAL PREMIUMS FOR SEP 2019 | 156.94 |
| SEP 2019 | 91967 | 09/06/2019 | 100-222-41002 | DENTAL PREMIUMS FOR SEP 2019 | 352.84 |
| SEP 2019 | 91967 | 09/06/2019 | 100-223-41002 | DENTAL PREMIUMS FOR SEP 2019 | 1,624.10 |
| SEP 2019 | 91967 | 09/06/2019 | 100-231-41002 | DENTAL PREMIUMS FOR SEP 2019 | 1,388.98 |
| SEP 2019 | 91967 | 09/06/2019 | 100-341-41002 | DENTAL PREMIUMS FOR SEP 2019 | 447.60 |
| SEP 2019 | 91967 | 09/06/2019 | 100-343-41002 | DENTAL PREMIUMS FOR SEP 2019 | 1,075.36 |
| SEP 2019 | 91967 | 09/06/2019 | 105-221-41002 | DENTAL PREMIUMS FOR SEP 2019 | 447.60 |
| SEP 2019 | 91967 | 09/06/2019 | 105-231-41002 | DENTAL PREMIUMS FOR SEP 2019 | 133.72 |
| SEP 2019 | 91967 | 09/06/2019 | 106-231-41002 | DENTAL PREMIUMS FOR SEP 2019 | 156.94 |
| SEP 2019 | 91967 | 09/06/2019 | 204-227-41002 | DENTAL PREMIUMS FOR SEP 2019 | 313.88 |
| SEP 2019 | 91967 | 09/06/2019 | 209-551-41002 | DENTAL PREMIUMS FOR SEP 2019 | 156.94 |
| SEP 2019 | 91967 | 09/06/2019 | 209-552-41002 | DENTAL PREMIUMS FOR SEP 2019 | 124.36 |
| SEP 2019 | 91967 | 09/06/2019 | 209-554-41002 | DENTAL PREMIUMS FOR SEP 2019 | 156.94 |
| SEP 2019 | 91967 | 09/06/2019 | 500-641-41002 | DENTAL PREMIUMS FOR SEP 2019 | 1,215.46 |
| SEP 2019 | 91967 | 09/06/2019 | 500-642-41002 | DENTAL PREMIUMS FOR SEP 2019 | 281.30 |
| SEP 2019 | 91967 | 09/06/2019 | 505-119-41002 | DENTAL PREMIUMS FOR SEP 2019 | 156.94 |
| SEP 2019 | 91967 | 09/06/2019 | 998-20105 | DENTAL PREMIUMS FOR SEP 2019 | 62.18 |
| SEP 2019 | 91967 | 09/06/2019 | 998-20105 | DENTAL PREMIUMS FOR SEP 2019 | 438.24 |
| Vendor HEA01 - HEALTH CARE DENTAL TRUST Total: | | | | | 13,086.94 |
| Vendor: 1665 - HEATHER IOPU | | | | | |
| 90319 | 91968 | 09/06/2019 | 100-117-42201 | REIMBURSEMENT PURCHASE OF FANS FOR OFFICE | 54.60 |
| 90519 | 92035 | 09/13/2019 | 100-112-42101 | REIMBURSEMENT FOR NOTARY COMMISSION AND FEES | 31.50 |
| Vendor 1665 - HEATHER IOPU Total: | | | | | 86.10 |
| Vendor: HIL03 - HILLTOP FORD | | | | | |
| AUG 26 19 | 91969 | 09/06/2019 | 100-221-42107 | STMT FULL PAYMENT | 2,245.87 |
| Vendor HIL03 - HILLTOP FORD Total: | | | | | 2,245.87 |
| Vendor: 1161 - HINDERLITER, DE LLAMAS & ASSOCIATES | | | | | |
| 0031847-IN | 91970 | 09/06/2019 | 100-115-42101 | Contract Services- Sales/Trans./ Tax 3rd Quarter | 1,983.50 |
| Vendor 1161 - HINDERLITER, DE LLAMAS & ASSOCIATES Total: | | | | | 1,983.50 |
| Vendor: HOM01 - HOME DEPOT CREDIT SERVICE | | | | | |
| AUG 20 19 | 91971 | 09/06/2019 | 100-222-42108 | AUGUST STMT FULL PAYMENT | 91.22 |
| AUG 20 19 | 91971 | 09/06/2019 | 100-343-42108 | AUGUST STMT FULL PAYMENT | 825.70 |
| AUG 20 19 | 91971 | 09/06/2019 | 100-343-42514 | AUGUST STMT FULL PAYMENT | 580.24 |
| AUG 20 19 | 91971 | 09/06/2019 | 100-345-42108 | AUGUST STMT FULL PAYMENT | 146.08 |
| AUG 20 19 | 91971 | 09/06/2019 | 100-345-42514 | AUGUST STMT FULL PAYMENT | 77.57 |
| AUG 20 19 | 91971 | 09/06/2019 | 209-557-42108 | AUGUST STMT FULL PAYMENT | 146.62 |
| AUG 20 19 | 91971 | 09/06/2019 | 500-641-42107 | AUGUST STMT FULL PAYMENT | 325.45 |
| Vendor HOM01 - HOME DEPOT CREDIT SERVICE Total: | | | | | 2,192.88 |

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| Vendor: IED02 - IEDA | | | | | |
| 22707 | 92036 | 09/13/2019 | 100-116-42101 | LABOR RELATIONS CONSULTING 9/01- 9/30/19 | 2,197.00 |
| Vendor IED02 - IEDA Total: | | | | | 2,197.00 |
| Vendor: MOO14 - ISSAC MOORE | | | | | |
| 82919 | 91972 | 09/06/2019 | 209-552-43802 | EXERCISE 3 CLASSES- SC | 135.00 |
| Vendor MOO14 - ISSAC MOORE Total: | | | | | 135.00 |
| Vendor: JWE01 - J. W. ENTERPRISES - NORTH | | | | | |
| 217976 | 92037 | 09/13/2019 | 100-117-42511 | PORTABLE TOILET RENTAL | 137.30 |
| Vendor JWE01 - J. W. ENTERPRISES - NORTH Total: | | | | | 137.30 |
| Vendor: COR15 - JACQUELINE L CORL-SEIDEL | | | | | |
| 83019 | 91973 | 09/06/2019 | 209-552-43802 | BALANCE/YOGA CLASSES- SC | 486.15 |
| Vendor COR15 - JACQUELINE L CORL-SEIDEL Total: | | | | | 486.15 |
| Vendor: 1611 - JANICE M. BYER | | | | | |
| 82919 | 91974 | 09/06/2019 | 209-552-43802 | EXERCISE 4 CLASSES- SC | 180.00 |
| Vendor 1611 - JANICE M. BYER Total: | | | | | 180.00 |
| Vendor: JAN92 - JAN-PRO OF THE GREATER BAY AREA | | | | | |
| 93070 | 91975 | 09/06/2019 | 209-552-42108 | SEP JANITORIAL SERVICES 635 TENNENT AVE | 449.00 |
| 93071 | 91975 | 09/06/2019 | 209-552-42108 | SEP JANITORIAL SERVICES SENIOR CENTER | 415.00 |
| 93072 | 91975 | 09/06/2019 | 209-552-42108 | SEP JANITORIAL SERVICES- TINY TOTS | 370.00 |
| Vendor JAN92 - JAN-PRO OF THE GREATER BAY AREA Total: | | | | | 1,234.00 |
| Vendor: 1630 - JOHN AND CLAIRE INVESTIGATIONS | | | | | |
| 1072 | 91976 | 09/06/2019 | 100-231-42101 | INVESTIGATION SERVICES | 787.50 |
| Vendor 1630 - JOHN AND CLAIRE INVESTIGATIONS Total: | | | | | 787.50 |
| Vendor: KEL09 - KELLER CANYON LANDFILL | | | | | |
| 4212-000028373 | 91977 | 09/06/2019 | 500-641-44302 | SLUDGE TO LANDFILL- TP | 2,911.15 |
| Vendor KEL09 - KELLER CANYON LANDFILL Total: | | | | | 2,911.15 |
| Vendor: KEN09 - KENNEDY AND ASSOCIATES, INC. | | | | | |
| 19-133 | 92038 | 09/13/2019 | 212-462-42101 | 1479 SAN APBLO PL 19-0009 | 291.25 |
| 19-192 | 92038 | 09/13/2019 | 207-344-42101 | ADM COMMITTEE- ANNUAL REPORT | 5,409.00 |
| Vendor KEN09 - KENNEDY AND ASSOCIATES, INC. Total: | | | | | 5,700.25 |
| Vendor: KNO03 - KNORR SYSTEMS, INC. | | | | | |
| SI214821 | 91978 | 09/06/2019 | 209-557-42108 | CHEMICALS- SWIM CENTER | 923.49 |
| Vendor KNO03 - KNORR SYSTEMS, INC. Total: | | | | | 923.49 |
| Vendor: 1424 - KRISTINA SANTOYO | | | | | |
| 90119 | 91979 | 09/06/2019 | 209-552-38401 | PETTY CASH REPORT 8/19- 9/01/19 | 51.25 |
| 90119 | 91979 | 09/06/2019 | 209-552-43804 | PETTY CASH REPORT 8/19- 9/01/19 | 51.25 |
| 90119 | 91979 | 09/06/2019 | 209-552-43806 | PETTY CASH REPORT 8/19- 9/01/19 | 51.25 |
| 90119 | 91979 | 09/06/2019 | 209-552-43811 | PETTY CASH REPORT 8/19- 9/01/19 | 1.15 |
| Vendor 1424 - KRISTINA SANTOYO Total: | | | | | 154.90 |
| Vendor: KUB00 - KUBWATER RESOURCES, INC. | | | | | |
| 08879 | 91980 | 09/06/2019 | 500-641-44303 | ZETAG TOTE- TP | 8,416.41 |
| Vendor KUB00 - KUBWATER RESOURCES, INC. Total: | | | | | 8,416.41 |
| Vendor: LAK01 - LAKESHORE | | | | | |
| 5039580819 | 91981 | 09/06/2019 | 209-553-42514 | SUPPLIES | 861.29 |
| 5457390819 | 91981 | 09/06/2019 | 209-553-42514 | SUPPLIES | 191.93 |
| Vendor LAK01 - LAKESHORE Total: | | | | | 1,053.22 |

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| Vendor: LAN01 - LANER ELECTRIC SUPPLY, INC | | | | | |
| 895775 | 91982 | 09/06/2019 | 209-552-42108 | SERVICE/MAINTENANCE | 211.45 |
| Vendor LAN01 - LANER ELECTRIC SUPPLY, INC Total: | | | | | 211.45 |
| Vendor: 1450 - LIKIBER INC. -Rubenstein Supply Company | | | | | |
| S2029752.001 | 91983 | 09/06/2019 | 209-554-42108 | SUPLIES/PARTS | 34.30 |
| S2030011.001 | 91983 | 09/06/2019 | 209-552-42108 | SUPLIES/PARTS | 9.56 |
| S2030034.001 | 91983 | 09/06/2019 | 209-552-42108 | SUPLIES/PARTS | 77.89 |
| Vendor 1450 - LIKIBER INC. -Rubenstein Supply Company Total: | | | | | 121.75 |
| Vendor: CUR03 - LN CURTIS & SONS | | | | | |
| INV310069 | 91984 | 09/06/2019 | 100-231-44410 | SAFETY CLOTHING- FD | 399.86 |
| Vendor CUR03 - LN CURTIS & SONS Total: | | | | | 399.86 |
| Vendor: HAR34 - LORRAINE HARTNETT | | | | | |
| 90519 | 92039 | 09/13/2019 | 100-112-42514 | REIMBURSEMENT RECORDING DEED OF FULL RECONVEYANCE | 17.50 |
| Vendor HAR34 - LORRAINE HARTNETT Total: | | | | | 17.50 |
| Vendor: GUT05 - MANNY GUTIERREZ | | | | | |
| 82919 | 91985 | 09/06/2019 | 209-552-43806 | BALLROOM | 530.00 |
| Vendor GUT05 - MANNY GUTIERREZ Total: | | | | | 530.00 |
| Vendor: IRV03 - MARGARET M IRVIN | | | | | |
| 83019 | 91986 | 09/06/2019 | 209-552-43802 | WRITTING CLASS- SC | 61.60 |
| Vendor IRV03 - MARGARET M IRVIN Total: | | | | | 61.60 |
| Vendor: 1663 - MICHELLE CHANTHAWANG | | | | | |
| 90319 | 91987 | 09/06/2019 | 209-20308 | PSC MAIN HALL RENTAL 8/31/19 DEPOSIT REFUND | 750.00 |
| Vendor 1663 - MICHELLE CHANTHAWANG Total: | | | | | 750.00 |
| Vendor: 1674 - MIKELA HOOKER | | | | | |
| 82519 | 91988 | 09/06/2019 | 209-551-38112 | CANCEL RENTAL 9/28/19 OF FERNANDEZ PARK BBQ | 203.00 |
| Vendor 1674 - MIKELA HOOKER Total: | | | | | 203.00 |
| Vendor: MOO12 - MOORE K-9 SERVICES, INC. | | | | | |
| 8-2019 | 92040 | 09/13/2019 | 100-221-42514 | Police Service Dog Maintenance Training 8/8, 8/22 | 800.00 |
| Vendor MOO12 - MOORE K-9 SERVICES, INC. Total: | | | | | 800.00 |
| Vendor: MSM01 - MSM, INC. | | | | | |
| 141834 | 92041 | 09/13/2019 | 500-642-42108 | FLO-OUT DRAIN OPENER | 152.60 |
| Vendor MSM01 - MSM, INC. Total: | | | | | 152.60 |
| Vendor: MUN01 - MUNICIPAL MAINTENANCE EQUIPMENT | | | | | |
| 0140937-IN | 91989 | 09/06/2019 | 500-642-42107 | PARTS | 790.27 |
| Vendor MUN01 - MUNICIPAL MAINTENANCE EQUIPMENT Total: | | | | | 790.27 |
| Vendor: MYE01 - MYERS STEVENS & TOOHEY CO | | | | | |
| 1325206 | 92042 | 09/13/2019 | 100-221-41008 | DISABILITY INSURANCE PREMIUMS | 475.20 |
| 1325206 | 92042 | 09/13/2019 | 100-223-41008 | DISABILITY INSURANCE PREMIUMS | 258.00 |
| 1325206 | 92042 | 09/13/2019 | 105-221-41008 | DISABILITY INSURANCE PREMIUMS | 59.40 |
| 1325206 | 92042 | 09/13/2019 | 204-227-41008 | DISABILITY INSURANCE PREMIUMS | 59.40 |
| Vendor MYE01 - MYERS STEVENS & TOOHEY CO Total: | | | | | 852.00 |
| Vendor: 1675 - MYREE LANDERS | | | | | |
| 81519 | 91990 | 09/06/2019 | 209-551-38112 | CANCEL RENTAL 9/28/19 OF FERNANDEZ PARK BBQ | 256.00 |
| Vendor 1675 - MYREE LANDERS Total: | | | | | 256.00 |
| Vendor: 1559 - NATIONAL PEN CO, LLC | | | | | |
| 110932781 | 92043 | 09/13/2019 | 100-221-42514 | OFFICE SUPPLIES- PD | 155.62 |
| Vendor 1559 - NATIONAL PEN CO, LLC Total: | | | | | 155.62 |

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| Vendor: MEJ04 - NORMA D. MEJIA | | | | | |
| 83019 | 91991 | 09/06/2019 | 209-552-43802 | ZUMBA CLASSES- SC | 885.15 |
| Vendor MEJ04 - NORMA D. MEJIA Total: | | | | | 885.15 |
| Vendor: O'R01 - O'REILLY AUTOMOTIVE, INC | | | | | |
| AUG 28 19 | 91992 | 09/06/2019 | 100-343-42107 | AUG STMT FUL PAYMENT | 429.02 |
| AUG 28 19 | 91992 | 09/06/2019 | 500-641-42107 | AUG STMT FUL PAYMENT | 43.69 |
| Vendor O'R01 - O'REILLY AUTOMOTIVE, INC Total: | | | | | 472.71 |
| Vendor: OTI01 - OTIS ELEVATOR COMPANY | | | | | |
| SK65465N919 | 91993 | 09/06/2019 | 100-343-42108 | MAINTENANCE FOR CITY HALL | 109.55 |
| SK65542N919 | 91993 | 09/06/2019 | 100-343-42108 | MAINTENANCE FOR CITY OF PINOLE | 109.50 |
| SK05793N919 | 91993 | 09/06/2019 | 209-554-42108 | MAINTENANCE FOR YOUTH CENTER | 185.66 |
| Vendor OTI01 - OTIS ELEVATOR COMPANY Total: | | | | | 404.71 |
| Vendor: PAC55 - PACIFIC SITE MANAGEMENT | | | | | |
| 53163 | 92044 | 09/13/2019 | 100-343-42108 | BACKFLOW TESTS | 525.00 |
| 53214 | 92044 | 09/13/2019 | 100-222-42108 | MONTHLY LANDSCAPE MAINTENANCE | 122.50 |
| 53214 | 92044 | 09/13/2019 | 100-231-42108 | MONTHLY LANDSCAPE MAINTENANCE | 327.50 |
| 53214 | 92044 | 09/13/2019 | 100-343-42108 | MONTHLY LANDSCAPE MAINTENANCE | 174.40 |
| 53214 | 92044 | 09/13/2019 | 100-345-42108 | MONTHLY LANDSCAPE MAINTENANCE | 5,619.33 |
| 53214 | 92044 | 09/13/2019 | 200-342-42108 | MONTHLY LANDSCAPE MAINTENANCE | 326.00 |
| 53214 | 92044 | 09/13/2019 | 201-343-42108 | MONTHLY LANDSCAPE MAINTENANCE | 532.60 |
| 53214 | 92044 | 09/13/2019 | 209-552-42108 | MONTHLY LANDSCAPE MAINTENANCE | 198.00 |
| 53214 | 92044 | 09/13/2019 | 209-553-42108 | MONTHLY LANDSCAPE MAINTENANCE | 206.00 |
| 53214 | 92044 | 09/13/2019 | 209-557-42108 | MONTHLY LANDSCAPE MAINTENANCE | 206.00 |
| 53214 | 92044 | 09/13/2019 | 310-347-42108 | MONTHLY LANDSCAPE MAINTENANCE | 60.00 |
| 53214 | 92044 | 09/13/2019 | 310-348-42108 | MONTHLY LANDSCAPE MAINTENANCE | 65.00 |
| Vendor PAC55 - PACIFIC SITE MANAGEMENT Total: | | | | | 8,362.33 |
| Vendor: LON02 - PATRICIA LONG | | | | | |
| 83019 | 91994 | 09/06/2019 | 209-552-43802 | CWLD CLASS | 389.20 |
| Vendor LON02 - PATRICIA LONG Total: | | | | | 389.20 |
| Vendor: PGE01 - PG&E | | | | | |
| AGU 28 19-4256 | 91995 | 09/06/2019 | 500-641-43103 | 11 TENNANT AVE | 61,036.57 |
| AUG 13 19-4157 | 91995 | 09/06/2019 | 100-222-43103 | 809 CITY HALL | 72.10 |
| AUG 22 19-2222 | 91995 | 09/06/2019 | 100-345-43103 | STREET AND HIGHWAY LIGHTING | 49.39 |
| AUG 22 19-2222 | 91995 | 09/06/2019 | 200-342-43103 | STREET AND HIGHWAY LIGHTING | 14,687.61 |
| AUG 22 19-2222 | 91995 | 09/06/2019 | 310-347-43103 | STREET AND HIGHWAY LIGHTING | 280.00 |
| AUG 22 19-2222 | 91995 | 09/06/2019 | 310-348-43103 | STREET AND HIGHWAY LIGHTING | 400.00 |
| AUG 27 19-8511 | 91995 | 09/06/2019 | 100-345-43103 | W/S PINOLE SHORES DR-SPRINKLER CONTROLLER | 11.72 |
| AUG 27 19-9929 | 91995 | 09/06/2019 | 201-343-43103 | 790 PINOLE SHORES DR-NEW METAL BUILDING | 25.56 |
| AUG 28 19-4430 | 91995 | 09/06/2019 | 100-345-43103 | S/O MARLESTA 1ST POLE-SPRINKLER CONTROLLER | 10.65 |
| AUG 28 19-6747 | 91995 | 09/06/2019 | 200-342-43103 | RAMONA & PINOLE VALLEY-TRAFFIC SIGNAL & ST LIGHT | 61.87 |

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| AUG 28 19-7547 | 91995 | 09/06/2019 | 100-222-43103 | 880 Tennent Ave-Public Safety Facility | 4,033.22 |
| AUG 28 19-7547 | 91995 | 09/06/2019 | 100-223-43103 | 880 Tennent Ave-Public Safety Facility | 806.64 |
| AUG 28 19-7547 | 91995 | 09/06/2019 | 100-231-43103 | 880 Tennent Ave-Public Safety Facility | 3,226.57 |
| AUG 28 19-9961 | 91995 | 09/06/2019 | 209-552-43103 | 2500 CHARLES ST-SENIOR CENTER | 5,622.31 |
| AUG 29 19-6521 | 91995 | 09/06/2019 | 200-342-43103 | IFO 971 SAN PABLO AVE-TRAFFIC SIGNAL CONTROL | 93.12 |
| AUG 29 19-6897 | 91995 | 09/06/2019 | 200-342-43103 | PINOLE VALLEY RD & ESTATES AVE-TRAFFIC LIGHT CTRL | 51.77 |
| SEP 03 19-1093 | 92045 | 09/13/2019 | 500-642-43103 | W END/HAZEL AVE SEWAGE PLANT | 578.64 |
| SEP 04 19-0887 | 92045 | 09/13/2019 | 200-342-43103 | PINON AVE & SAN PABLO AVE TRAFFIC SIGNAL | 64.36 |
| SEP 04 19-2182 | 92045 | 09/13/2019 | 200-342-43103 | OAKRIDGE/SAN PABLO AVE TRAFFIC SIGNAL | 62.97 |
| Vendor PGE01 - PG&E Total: | | | | | 91,175.07 |
| Vendor: JAR01 - PINOLE GOODYEAR | | | | | |
| AUG 25 19-1328 | 91996 | 09/06/2019 | 100-221-42107 | MONTHLY STMT FULL PAYMENT | 645.56 |
| AUG 25 19-1328 | 91996 | 09/06/2019 | 100-343-42107 | MONTHLY STMT FULL PAYMENT | 255.93 |
| AUG 25 19-1328 | 91996 | 09/06/2019 | 105-231-47104 | MONTHLY STMT FULL PAYMENT | 77.95 |
| Vendor JAR01 - PINOLE GOODYEAR Total: | | | | | 979.44 |
| Vendor: 1009 - PRECISION IT CONSULTING | | | | | |
| 10046 | 91997 | 09/06/2019 | 525-118-42105 | UPS BATTERY FOR PCTV | 1,134.60 |
| 10091 | 92046 | 09/13/2019 | 525-118-42105 | SOPHOS SUPPORT RENEWAL | 2,193.48 |
| 10095 | 92046 | 09/13/2019 | 525-118-47102 | SURFACE PRO FOR HR APPLICANTS | 2,216.53 |
| 101040 | 92046 | 09/13/2019 | 525-118-42101 | AGREEMENT PRECISION 360 GOLD OCTOBER 2019 | 13,495.00 |
| Vendor 1009 - PRECISION IT CONSULTING Total: | | | | | 19,039.61 |
| Vendor: PRO18 - PROTECTION 1 / ADT | | | | | |
| SEP 19- 0999 | 92047 | 09/13/2019 | 209-553-42108 | TINY TOTS ALARM MONITORING SVCS | 78.45 |
| Vendor PRO18 - PROTECTION 1 / ADT Total: | | | | | 78.45 |
| Vendor: 1350 - QUALITY LOGO PRODUCTS, INC. | | | | | |
| PO 16798 | 91998 | 09/06/2019 | 722-20403 | SUPPLIES- PD | 511.07 |
| PO 16798 | 91998 | 09/06/2019 | 722-20434 | SUPPLIES- PD | 1,103.68 |
| Vendor 1350 - QUALITY LOGO PRODUCTS, INC. Total: | | | | | 1,614.75 |
| Vendor: RAN06 - RANEY PLANNING & MANAGEMENT, INC. | | | | | |
| 1937E-3 | 92048 | 09/13/2019 | 212-20340 | LABOR JULY 2019 | 3,791.55 |
| 1940E-3 | 92048 | 09/13/2019 | 212-461-42101 | LABOR JULY 2019 | 2,472.00 |
| Vendor RAN06 - RANEY PLANNING & MANAGEMENT, INC. Total: | | | | | 6,263.55 |
| Vendor: WAL29 - RICHARD WALLER | | | | | |
| 82919 | 91999 | 09/06/2019 | 209-552-43811 | REIMBURSEMENT POOL ROOM SUPPLIES | 328.99 |
| Vendor WAL29 - RICHARD WALLER Total: | | | | | 328.99 |
| Vendor: RIC06 - RICHMOND BLUEPRINT | | | | | |
| 6063 | 92049 | 09/13/2019 | 212-462-42201 | DOOR HANGERS | 546.25 |
| Vendor RIC06 - RICHMOND BLUEPRINT Total: | | | | | 546.25 |
| Vendor: SPA04 - S.P. AUTOMOTIVE | | | | | |
| AUG 31 19 | 92050 | 09/13/2019 | 500-642-42107 | MONTHLY STMT FULL PAYMENT | 14.40 |
| Vendor SPA04 - S.P. AUTOMOTIVE Total: | | | | | 14.40 |

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| Vendor: WEB10 - SHEILA WEBB | | | | | |
| 83019 | 92000 | 09/06/2019 | 209-552-43802 | WATERCOLOR CLASS- SC | 12.60 |
| Vendor WEB10 - SHEILA WEBB Total: | | | | | 12.60 |
| Vendor: SHR02 - SHRED DEFENSE INC | | | | | |
| 27883 | 92051 | 09/13/2019 | 100-222-42101 | ON SITE PULVERIZATION SERVICES | 161.20 |
| Vendor SHR02 - SHRED DEFENSE INC Total: | | | | | 161.20 |
| Vendor: 1628 - SIGNAL SOLUTIONS CORPORATION | | | | | |
| 43105 | 92052 | 09/13/2019 | 525-118-42105 | INSTALLATION | 5,395.00 |
| Vendor 1628 - SIGNAL SOLUTIONS CORPORATION Total: | | | | | 5,395.00 |
| Vendor: SQU00 - SQUARE DEAL GARAGE | | | | | |
| 28882 | 92001 | 09/06/2019 | 100-343-42107 | VEHICLE MAINTENANCE- PW | 52.32 |
| 28990 | 92053 | 09/13/2019 | 100-221-42107 | VEHICLE MAINTENANCE- PD | 49.04 |
| 28998 | 92053 | 09/13/2019 | 100-221-42107 | VEHICLE MAINTENANCE- PD | 250.08 |
| Vendor SQU00 - SQUARE DEAL GARAGE Total: | | | | | 351.44 |
| Vendor: STA42 - STAPLES BUSINESS CREDIT | | | | | |
| AUG 25 19 | 92002 | 09/06/2019 | 100-112-42201 | MONTHLY STMT FULL PAYMENT | 56.52 |
| AUG 25 19 | 92002 | 09/06/2019 | 100-115-42201 | MONTHLY STMT FULL PAYMENT | 66.27 |
| AUG 25 19 | 92002 | 09/06/2019 | 100-117-42201 | MONTHLY STMT FULL PAYMENT | 284.26 |
| AUG 25 19 | 92002 | 09/06/2019 | 100-222-42201 | MONTHLY STMT FULL PAYMENT | 154.67 |
| AUG 25 19 | 92002 | 09/06/2019 | 100-223-42201 | MONTHLY STMT FULL PAYMENT | 183.90 |
| AUG 25 19 | 92002 | 09/06/2019 | 209-553-42201 | MONTHLY STMT FULL PAYMENT | 331.46 |
| AUG 25 19 | 92002 | 09/06/2019 | 212-462-42201 | MONTHLY STMT FULL PAYMENT | 366.62 |
| Vendor STA42 - STAPLES BUSINESS CREDIT Total: | | | | | 1,443.70 |
| Vendor: STE20 - STERICYCLE, INC. | | | | | |
| 3004804652 | 92003 | 09/06/2019 | 100-221-42101 | STER-SAFE ECONOMY MONTHLY CHARGES | 53.12 |
| Vendor STE20 - STERICYCLE, INC. Total: | | | | | 53.12 |
| Vendor: 1667 - SUNCOAST AWNING, LLC | | | | | |
| 2416 | 92004 | 09/06/2019 | 722-20431 | AWNING INSTALLATION- PD | 729.35 |
| Vendor 1667 - SUNCOAST AWNING, LLC Total: | | | | | 729.35 |
| Vendor: SUN08 - SUNRISE ENVIRONMENTAL SCIENTIFIC | | | | | |
| 100915 | 92005 | 09/06/2019 | 500-641-44410 | SUPPLIES- TP | 190.94 |
| Vendor SUN08 - SUNRISE ENVIRONMENTAL SCIENTIFIC Total: | | | | | 190.94 |
| Vendor: 1155 - SUPERION, LLC | | | | | |
| 230996 | 92006 | 09/06/2019 | 525-118-42106 | TRAKIT ENDUSER LICENSE/MAINTENANCE 5/1-4/30/20- IT | 15,885.07 |
| Vendor 1155 - SUPERION, LLC Total: | | | | | 15,885.07 |
| Vendor: DOD02 - SUSAN BOYLE DODGE | | | | | |
| 82919 | 92007 | 09/06/2019 | 209-552-43802 | LINE DANCE CLASS- SC | 180.00 |
| Vendor DOD02 - SUSAN BOYLE DODGE Total: | | | | | 180.00 |
| Vendor: SYA01 - SYAR INDUSTRIES, INC. | | | | | |
| 742254 | 92008 | 09/06/2019 | 100-342-42514 | EZ STREET ASPHALT BULK- PW | 471.91 |
| Vendor SYA01 - SYAR INDUSTRIES, INC. Total: | | | | | 471.91 |
| Vendor: USP02 - UNITED STATES POSTAL SVC | | | | | |
| 91019 | 92054 | 09/13/2019 | 100-117-42101 | POST CARD MAILERS FOR PUBLIC ENGAGEMENT MEETINGS | 1,448.37 |

WARRANT LISTING

Payment Dates: 08/31/2019 - 09/13/2019

| Payable Number | Payment Number | Payment Date | Account Number | Description (Payable) | Amount |
|--|----------------|--------------|----------------|---|------------|
| JULY 20 19 | 92009 | 09/06/2019 | 100-117-42201 | USPS MARKETING MAIL PERMIT: PI# 41 | 235.00 |
| Vendor USP02 - UNITED STATES POSTAL SVC Total: | | | | | 1,683.37 |
| Vendor: UNI38 - UNIVAR USA INC | | | | | |
| SJ317452 | 92010 | 09/06/2019 | 500-641-44303 | CHEMICALS TP CREDIT FROM ORIGINAL INVOICE# SJ90451 | -2,897.63 |
| SJ953729 | 92010 | 09/06/2019 | 500-641-44303 | CHEMICALS- TP | 3,560.24 |
| SJ956935 | 92010 | 09/06/2019 | 500-641-44303 | CHEMICALS- TP | 6,202.61 |
| SJ957785 | 92055 | 09/13/2019 | 500-641-44303 | CHEMICALS- TP | 3,538.27 |
| SJ957909 | 92010 | 09/06/2019 | 500-641-44303 | CHEMICALS- TP | 6,136.41 |
| SJ959583 | 92010 | 09/06/2019 | 500-641-44303 | CHEMICALS- TP | 3,315.81 |
| Vendor UNI38 - UNIVAR USA INC Total: | | | | | 19,855.71 |
| Vendor: USB06 - US BANK CORPORATE PMN'T.SYSTEM | | | | | |
| AUG 22 2019 | 92011 | 09/06/2019 | 100-20018 | MONTHLY STMT FULL PAYMENT | 12,901.20 |
| Vendor USB06 - US BANK CORPORATE PMN'T.SYSTEM Total: | | | | | 12,901.20 |
| Vendor: VAL04 - VALLEJO FIRE EXTINGUISHER | | | | | |
| 86179 | 92012 | 09/06/2019 | 500-641-42108 | MAINTENANCE | 821.70 |
| Vendor VAL04 - VALLEJO FIRE EXTINGUISHER Total: | | | | | 821.70 |
| Vendor: LUK00 - VIVIENNE F. KEARSLEY-LUKE | | | | | |
| 83019 | 92013 | 09/06/2019 | 209-552-43802 | GENTLE YOGA- SC | 83.30 |
| Vendor LUK00 - VIVIENNE F. KEARSLEY-LUKE Total: | | | | | 83.30 |
| Vendor: VWR01 - VWR INTERNATIONAL, LLC. | | | | | |
| 8087200284 | 92014 | 09/06/2019 | 500-641-44305 | SUPPLIES- TP | 160.02 |
| 8087208027 | 92014 | 09/06/2019 | 500-641-44305 | SUPPLIES- TP | 353.16 |
| 8087288139 | 92014 | 09/06/2019 | 500-641-44305 | SUPPLIES- TP | 374.25 |
| Vendor VWR01 - VWR INTERNATIONAL, LLC. Total: | | | | | 887.43 |
| Vendor: WAT20 - WATSON MARLOW, INC. | | | | | |
| SI106124 | 92056 | 09/13/2019 | 500-641-42107 | PARTS/SUPPLIES- TP | 416.21 |
| Vendor WAT20 - WATSON MARLOW, INC. Total: | | | | | 416.21 |
| Vendor: XER01 - XEROX CORPORATION | | | | | |
| 098005926 | 92057 | 09/13/2019 | 525-118-42107 | EQUIPMENT/MAINTENANCE/SU PLY- CITY HALL 1ST FL | 477.58 |
| 098005927 | 92057 | 09/13/2019 | 525-118-42107 | EQUIPMENT/MAINTENANCE/SU PLY-2131 PEAR ST | 362.89 |
| 098005930 | 92057 | 09/13/2019 | 525-118-42107 | EQUIPMENT/MAINTENANCE/SU PLY- YOUTH CENTER | 221.47 |
| Vendor XER01 - XEROX CORPORATION Total: | | | | | 1,061.94 |
| Vendor: 1678 - YOURMEMBERSHIP.COM, INC | | | | | |
| R44173582 | 92058 | 09/13/2019 | 212-462-42101 | 45 DAY JOB POSTING | 274.00 |
| Vendor 1678 - YOURMEMBERSHIP.COM, INC Total: | | | | | 274.00 |
| Grand Total: | | | | | 542,513.53 |

Report Summary

Fund Summary

| Fund | Payment Amount |
|---|-------------------|
| 100 - General Fund | 259,229.90 |
| 105 - Measure S -2006 | 46,609.83 |
| 106 - MEASURE S-2014 | 644.44 |
| 200 - Gas Tax Fund | 29,811.08 |
| 201 - Restricted Real Estate Maintenance Fund | 1,749.35 |
| 204 - Police Grants | 373.28 |
| 207 - NPDES Storm Water Fund | 5,541.63 |
| 209 - Recreation Fund | 29,529.91 |
| 212 - Building & Planning | 7,987.27 |
| 285 - Housing Land Held for Resale | 15.57 |
| 310 - Lighting & Landscape Districts | 2,283.86 |
| 500 - Sewer Enterprise Fund | 106,090.54 |
| 505 - Cable Access TV | 329.65 |
| 525 - Information Systems | 49,472.70 |
| 722 - Community Assistance Program | 2,344.10 |
| 998 - Payroll Clearing | 500.42 |
| Grand Total: | 542,513.53 |

Account Summary

| Account Number | Account Name | Payment Amount |
|----------------|-------------------------------|----------------|
| 100-110-41002 | Emp Benefits/Dental | 581.32 |
| 100-110-43102 | Utilities/Water | 9.24 |
| 100-111-41002 | Emp Benefits/Dental | 133.72 |
| 100-111-43102 | Utilities/Water | 22.24 |
| 100-112-41002 | Emp Benefits/Dental | 156.94 |
| 100-112-42101 | Prof Svcs/Professional Ser... | 381.57 |
| 100-112-42201 | Office Expense | 56.52 |
| 100-112-42514 | Admin Exp/Special Depart | 375.88 |
| 100-112-43102 | Utilities/Water | 20.39 |
| 100-113-41002 | Emp Benefits/Dental | 62.18 |
| 100-115-41002 | Emp Benefits/Dental | 470.82 |
| 100-115-42101 | Prof Svcs/Professional Ser... | 3,733.50 |
| 100-115-42201 | Office Expense | 66.27 |
| 100-115-42401 | Dues & Pub/Memberships | 53.00 |
| 100-115-43102 | Utilities/Water | 60.41 |
| 100-116-41002 | Emp Benefits/Dental | 219.12 |
| 100-116-42101 | Prof Svcs/Professional Ser... | 2,276.50 |
| 100-116-43102 | Utilities/Water | 20.39 |
| 100-117-41002 | Emp Benefits/Dental | 219.12 |
| 100-117-41004 | Emp Benefits/PERS Retir... | 181,730.98 |
| 100-117-42101 | Prof Svcs/Professional Ser... | 1,448.37 |
| 100-117-42201 | Office Expense | 573.86 |
| 100-117-42511 | Admin Exp/Equipment Re... | 137.30 |
| 100-117-43102 | Utilities/Water | 163.06 |
| 100-20018 | Accounts Payable/CalCard | 12,901.20 |
| 100-221-41002 | Emp Benefits/Dental | 2,710.34 |
| 100-221-41008 | Emp Benefits/Long Term ... | 475.20 |
| 100-221-42101 | Prof Svcs/Professional Ser... | 153.12 |
| 100-221-42107 | Prof Svcs/Equipment Mai... | 3,190.55 |
| 100-221-42110 | Prof Svcs/Fingerprinting | 194.00 |
| 100-221-42514 | Admin Exp/Special Depart | 1,058.41 |
| 100-222-41002 | Emp Benefits/Dental | 352.84 |
| 100-222-42101 | Prof Svcs/Professional Ser... | 1,111.20 |
| 100-222-42108 | Prof Svcs/Building-Structu... | 1,982.64 |
| 100-222-42201 | Office Expense | 154.67 |
| 100-222-42401 | Dues & Pub/Memberships | 50.00 |
| 100-222-42514 | Admin Exp/Special Depart | 71.67 |

Account Summary

| Account Number | Account Name | Payment Amount |
|----------------|--------------------------------|----------------|
| 100-222-43102 | Utilities/Water | 604.91 |
| 100-222-43103 | Utilities/Electricity & Pow... | 4,105.32 |
| 100-222-44410 | Safety Clothing | 18.04 |
| 100-223-41002 | Emp Benefits/Dental | 1,624.10 |
| 100-223-41008 | Emp Benefits/Long Term ... | 258.00 |
| 100-223-42201 | Office Expense | 183.90 |
| 100-223-43102 | Utilities/Water | 134.42 |
| 100-223-43103 | Utilities/Electricity & Pow... | 806.64 |
| 100-231-41002 | Emp Benefits/Dental | 1,388.98 |
| 100-231-41008 | Emp Benefits/Long Term ... | 245.00 |
| 100-231-42101 | Prof Svcs/Professional Ser... | 787.50 |
| 100-231-42104 | Prof Svcs/Paramedic Servi... | 27.44 |
| 100-231-42105 | Prof Svcs/Network Maint... | 25.94 |
| 100-231-42108 | Prof Svcs/Building-Structu... | 327.50 |
| 100-231-43102 | Utilities/Water | 1,133.93 |
| 100-231-43103 | Utilities/Electricity & Pow... | 3,226.57 |
| 100-231-44410 | Safety Clothing | 657.08 |
| 100-341-41002 | Emp Benefits/Dental | 447.60 |
| 100-341-42201 | Office Expense | 579.17 |
| 100-342-42514 | Admin Exp/Special Depart | 471.91 |
| 100-342-44410 | Safety Clothing | 281.05 |
| 100-343-41002 | Emp Benefits/Dental | 1,075.36 |
| 100-343-42107 | Prof Svcs/Equipment Mai... | 737.27 |
| 100-343-42108 | Prof Svcs/Building-Structu... | 2,336.15 |
| 100-343-42514 | Admin Exp/Special Depart | 580.24 |
| 100-343-43102 | Utilities/Water | 3,265.13 |
| 100-343-44410 | Safety Clothing | 194.43 |
| 100-345-42108 | Prof Svcs/Building-Structu... | 5,765.41 |
| 100-345-42514 | Admin Exp/Special Depart | 77.57 |
| 100-345-43102 | Utilities/Water | 10,413.04 |
| 100-345-43103 | Utilities/Electricity & Pow... | 71.76 |
| 105-221-41002 | Emp Benefits/Dental | 447.60 |
| 105-221-41008 | Emp Benefits/Long Term ... | 59.40 |
| 105-231-41002 | Emp Benefits/Dental | 133.72 |
| 105-231-42101 | Prof Svcs/Professional Ser... | 3,000.00 |
| 105-231-47104 | FF&E/Vehicles | 77.95 |
| 105-231-47201 | Improvements/Building | 42,891.16 |
| 106-231-41002 | Emp Benefits/Dental | 156.94 |
| 106-345-47203 | Improvements/Parks | 487.50 |
| 200-342-42108 | Prof Svcs/Building-Structu... | 326.00 |
| 200-342-43102 | Utilities/Water | 51.88 |
| 200-342-43103 | Utilities/Electricity & Pow... | 15,021.70 |
| 200-343-47205 | Improvements/Streets | 14,411.50 |
| 201-343-42108 | Prof Svcs/Building-Structu... | 532.60 |
| 201-343-43102 | Utilities/Water | 1,191.19 |
| 201-343-43103 | Utilities/Electricity & Pow... | 25.56 |
| 204-227-41002 | Emp Benefits/Dental | 313.88 |
| 204-227-41008 | Emp Benefits/Long Term ... | 59.40 |
| 207-344-42101 | Prof Svcs/Professional Ser... | 5,409.00 |
| 207-344-44410 | Safety Clothing | 132.63 |
| 209-20308 | Deposits Payable/Recreat... | 1,000.00 |
| 209-20309 | Deposits Payable/Recreat... | 1,250.00 |
| 209-551-38112 | Rental Income/Facility Re... | 459.00 |
| 209-551-41002 | Emp Benefits/Dental | 156.94 |
| 209-552-38112 | Rental Income/Facility Re... | 404.76 |
| 209-552-38401 | Other Rev/Contributions | 51.25 |
| 209-552-41002 | Emp Benefits/Dental | 124.36 |
| 209-552-42108 | Prof Svcs/Building-Structu... | 1,730.90 |

Account Summary

| Account Number | Account Name | Payment Amount |
|----------------|--------------------------------|----------------|
| 209-552-43102 | Utilities/Water | 1,782.86 |
| 209-552-43103 | Utilities/Electricity & Pow... | 5,622.31 |
| 209-552-43802 | Program Cost/Class Fees | 2,863.00 |
| 209-552-43804 | Program Cost/Food Progr... | 1,906.11 |
| 209-552-43805 | Program Cost/Travel | 5,040.00 |
| 209-552-43806 | Program Cost/Dance Prog... | 581.25 |
| 209-552-43810 | Program Cost/Center Mai... | 169.71 |
| 209-552-43811 | Program Cost/Supplies | 330.14 |
| 209-553-42108 | Prof Svcs/Building-Structu... | 284.45 |
| 209-553-42201 | Office Expense | 331.46 |
| 209-553-42514 | Admin Exp/Special Depart | 1,053.22 |
| 209-554-38112 | Rental Income/Facility Re... | 313.94 |
| 209-554-41002 | Emp Benefits/Dental | 156.94 |
| 209-554-42108 | Prof Svcs/Building-Structu... | 534.96 |
| 209-554-43102 | Utilities/Water | 157.13 |
| 209-557-42108 | Prof Svcs/Building-Structu... | 1,276.11 |
| 209-558-42108 | Prof Svcs/Building-Structu... | 1,498.49 |
| 209-558-43102 | Utilities/Water | 382.19 |
| 209-559-43102 | Utilities/Water | 68.43 |
| 212-20340 | Developer Deposit/Appian.. | 3,791.55 |
| 212-461-42101 | Prof Svcs/Professional Ser... | 2,472.00 |
| 212-461-43102 | Utilities/Water | 19.64 |
| 212-462-42101 | Prof Svcs/Professional Ser... | 565.25 |
| 212-462-42201 | Office Expense | 912.87 |
| 212-462-42514 | Admin Exp/Special Depart | 173.70 |
| 212-462-43102 | Utilities/Water | 52.26 |
| 285-464-43102 | Utilities/Water | 15.57 |
| 310-347-42108 | Prof Svcs/Building-Structu... | 60.00 |
| 310-347-43102 | Utilities/Water | 792.30 |
| 310-347-43103 | Utilities/Electricity & Pow... | 280.00 |
| 310-348-42108 | Prof Svcs/Building-Structu... | 65.00 |
| 310-348-43103 | Utilities/Electricity & Pow... | 400.00 |
| 310-348-47202 | Improvements/Landscape... | 686.56 |
| 500-641-41002 | Emp Benefits/Dental | 1,215.46 |
| 500-641-42107 | Prof Svcs/Equipment Mai... | 1,467.40 |
| 500-641-42108 | Prof Svcs/Building-Structu... | 821.70 |
| 500-641-42109 | Prof Svcs/Compliance Ins... | 1,787.91 |
| 500-641-43102 | Utilities/Water | 2,258.77 |
| 500-641-43103 | Utilities/Electricity & Pow... | 61,036.57 |
| 500-641-44302 | Other Materials Supp/Slu... | 2,911.15 |
| 500-641-44303 | Other Materials Supp/Ch... | 28,329.48 |
| 500-641-44305 | Other Materials Supp/Lab... | 2,409.77 |
| 500-641-44410 | Safety Clothing | 1,530.46 |
| 500-642-41002 | Emp Benefits/Dental | 281.30 |
| 500-642-42107 | Prof Svcs/Equipment Mai... | 804.67 |
| 500-642-42108 | Prof Svcs/Building-Structu... | 472.48 |
| 500-642-43103 | Utilities/Electricity & Pow... | 578.64 |
| 500-642-44410 | Safety Clothing | 184.78 |
| 505-119-41002 | Emp Benefits/Dental | 156.94 |
| 505-119-43102 | Utilities/Water | 172.71 |
| 525-118-42101 | Prof Svcs/Professional Ser... | 13,495.00 |
| 525-118-42105 | Prof Svcs/Network Maint... | 8,723.08 |
| 525-118-42106 | Prof Svcs/Software Maint... | 17,485.07 |
| 525-118-42107 | Prof Svcs/Equipment Mai... | 1,061.94 |
| 525-118-43101 | Utilities/Telephone | 6,491.08 |
| 525-118-47102 | FF&E/Computer Equipme... | 2,216.53 |
| 722-20403 | Deferred Rev/Police Depa... | 511.07 |
| 722-20431 | Deferred Rev/CAP Donati... | 729.35 |

Account Summary

| Account Number | Account Name | Payment Amount |
|----------------|------------------------------|-------------------|
| 722-20434 | Deferred Rev/CAP Donati... | 1,103.68 |
| 998-20105 | Sal & Ben Payable/Dental ... | 500.42 |
| | Grand Total: | 542,513.53 |

Project Account Summary

| Project Account Key | Payment Amount |
|---------------------|-------------------|
| **None** | 542,513.53 |
| Grand Total: | 542,513.53 |

Approved By: _____



Date: _____

9/12/19



CITY COUNCIL REPORT

7C

DATE: SEPTEMBER 17, 2019

TO: MAYOR AND COUNCIL MEMBERS

FROM: ANDREA MILLER, FINANCE DIRECTOR

**SUBJECT: RECEIVE THE DEVELOPMENT IMPACT FEE REPORT FOR THE
FISCAL YEAR ENDED JUNE 30, 2019**

RECOMMENDATION

It is recommended that the City Council receive the Development Impact Fee Report for the fiscal year ended June 30, 2019, and adopt a resolution finding that all development impact fees collected are committed or expended.

BACKGROUND

Recognizing that new construction of residential and business development may have adverse growth related impacts on existing public streets, highways, public buildings and public services; Chapter 5 of the California Government Code authorizes the collection of development impact fees. Sections 66000-66009 of the State's Government Code prescribe a method for the equitable and consistent collection of fees for public improvements and facilities that are needed to mitigate the impacts of new development. These statutes require that public agencies provide periodic fiscal reconciliations of the amount of growth impact fees assessed and collected against new construction, and the use of those fees collected. Effective January 1, 1989, AB 1600 imposed specific accounting procedures regarding the collection and use of development impact fees. Specifically, Government Code (GC) section 66001 (d) provides for an annual review of fees collected, based on a five year "holding and use" period following the deposit of the fees. AB 1600 requires the City to make findings annually, subsequent to the deposit of these fees with respect to any portion of the fee that may remain unexpended, whether committed or uncommitted. The findings must identify the purpose that the fee is to be put, demonstrate a nexus between the fee and the purpose for which it was originally charged, identify the sources and amounts of anticipated funding used to complete incomplete improvements and identify approximate dates on which the anticipated funding is expected to be deposited.

Additionally, the provisions of AB-1600 expanded GC 66002(b), the accountability standard to require annual reviews of the proposed use of these fees through the inclusion of eligible projects in public agency capital improvement plans. The Proposed FY2019/20 – 2023/24 Five-Year Capital Improvement Plan, which

includes projects eligible for funding using development impact fees is on the September 17, 2019 City Council agenda for adoption.

The following projects have been committed for partial funding from development impact fees:

- Rehabilitation of Play Fields at Fernandez Park
 - Parkland Dedication Fund 275 - \$15,509
 - Park Grants Fund 327 - \$24,491
- Hazel Street Drainage Improvements
 - Measure S 2014 Fund 106 - \$192,000
 - Growth Impact Fund 276 - \$8,000
- Hazel Street Gap Closure (Sunnyview)
 - Growth Impact Fund 276 - \$31,500
 - Unfunded - \$18,500

REVIEW AND ANALYSIS

In August of 1984, the City Council established a cumulative growth impact fee. Ordinance Number 462 provided fees to be collected from developers for both residential and business development impacts on public facilities and services and for residential impacts on parklands and recreation. The fees were updated to the following amounts effective April 3, 2018:

| Development Impact Fees (Resolution No. 2018-29/April 3, 2018) | | | | | | |
|--|--------------------|--------------------|-------------------------------|-------------------|-------------------|-------------------|
| Facility Category | Single Family | Multi-Family | Office | Commercial | Industrial | Institutional |
| Fee per Dwelling Unit | | | Fee per 1,000 Building Square | | | |
| Police | \$1,148.95 | \$870.42 | \$435.21 | \$139.27 | \$348.17 | \$34.82 |
| Fire Protection | \$1,468.25 | \$1,112.31 | \$556.16 | \$177.97 | \$444.92 | \$44.49 |
| Public Facilities & Equipment | \$1,981.29 | \$1,500.98 | \$750.49 | \$240.16 | \$600.39 | \$60.04 |
| Wastewater | \$4,943.00 | \$3,707.00 | \$2,296.00 | \$2,296.00 | \$1,879.00 | \$1,252.00 |
| Transportation | \$414.83 | \$294.53 | \$555.87 | \$1389.68 | \$365.05 | \$1053.67 |
| Drainage | \$1,104.82 | \$66.29 | \$162.32 | \$162.32 | \$321.27 | \$380.45 |
| Growth Impact Total | \$11,061.14 | \$7,551.53 | \$4,756.05 | \$4,405.40 | \$3,958.80 | \$2,825.47 |
| Parks and Recreation | \$8,013.78 | \$6,071.05 | N/A | N/A | N/A | N/A |
| Subtotal | \$19,074.92 | \$13,622.58 | \$4,756.05 | \$4,405.40 | \$3,958.80 | \$2,825.47 |
| Administration 3% | \$572.25 | \$408.68 | \$142.68 | \$132.16 | \$118.76 | \$84.76 |
| Total | \$19,647.17 | \$14,031.26 | \$4,898.73 | \$4,537.56 | \$4,077.56 | \$2,910.23 |

Pinole Municipal Code (PMC) 3.20.096 (b) allows for an annual adjustment to the amount of the impact fees by a percentage equal to the percentage change in the Engineering News Record Construction Cost Index for San Francisco Bay Area. The fees were reviewed and adopted effective April 3, 2018.

In addition, PMC 3.20.96 (c) requires a review of the basis of the impact fees at least once every five years to determine whether the fees are still reasonably related to the needs of new development. The last Development Impact Mitigation Fee Nexus Study prepared by its consultant, PMC on May 27, 2008. An updated Mitigation Fee Nexus Study is currently underway.

The City maintains separate accounts for growth impact fees within the Growth Impact Fund - 276 and the Parkland Dedication Fund - 275. All interest earned on the fees held in these accounts is used to augment the development fees financing of growth related projects and activities.

Growth Impact Fund - 276

Since the development impact fees have been put in place, the City has collected the following fees for the mitigation of growth impacts in the Growth Impact Fund – 276:

| Fiscal Year | Fee Income & Interest | Expenditures | Residual Balances |
|--------------------|----------------------------------|---------------------|--------------------------|
| Prior to 2008-09 | \$ 3,162,923 | \$ 2,924,091 | \$ 237,979 |
| 2008-09 to 2017-18 | 317,121 | 564,213 | (9,113) |
| 2018-19 | 86,004 | 3,524 | 73,367 |
| Totals | \$ 3,480,044 | \$ 3,488,304 | |

As of June 30, 2019, a fund balance of \$73,367 is reported in the Growth Impact Fund.

Staff has reviewed the development impact fees collected from July 1, 2014 through June 30, 2019. No development impact fee, collected prior to July 1, 2014, the subject compliance year of this report, remains unexpended or uncommitted.

Two projects have been identified for funding from impact fees in the Proposed FY2019-20 through 2023-24 Five-Year Capital Improvement Plan scheduled for adoption by Council September 17, 2019:

- Hazel Street Drainage Improvements – \$8,000
- Hazel Street Gap Closure - \$31,500

These projects are also included in the Development Impact Fee Report included as Attachment A.

Parkland Dedication Fund - 275

Since the development impact fees have been put in place, the City has collected the following fees for park and recreation projects in the Parkland Dedication Fund – 275:

| Fiscal Year | Fee Income & Interest | Expenditures | Residual Balances |
|--------------------|----------------------------------|---------------------|--------------------------|
| Prior to 2008-09 | \$ 2,424,729 | \$ 2,311,672 | \$ 113,057 |
| 2008-09 to 2017-18 | 72,918 | 161,381 | 24,608 |
| 2018-19 | 36,528 | - | 61,137 |
| Totals | \$ 2,497,647 | \$ 2,473,054 | |

As of June 30, 2019, a fund balance of \$61,137 is reported. There is \$4,379.85 that remains unexpended for fees collected prior to July 1, 2014, the subject compliance year of this report; however, all of the unexpended fees are committed to eligible project expenditures, as will be discussed below.

Pursuant to the provisions of Government Code 66002(b), these expenditures were identified in the Parkland Dedication Impact Fee Five-Year Forecast approved by Council September 2, 2008 for a projected total of \$120,000; the Capital Improvement Plan for fiscal years 2009-10 through 2013-14 approved by Council on October 20, 2009 for a projected total of \$75,000; the Capital Improvement Plan for fiscal years 2010-11 through 2014-15 approved by Council on August 17, 2010 for a projected total of \$90,000; and the Capital Improvement Plan for fiscal years 2017-18 through 2021-22 approved by Council on October 4, 2011 for a projected total of \$15,509. The City has expended impact fees in the sum of \$161,381.

The unexpended Parkland Dedication Impact Fee in the amount of \$4,379.85, collected prior to July 1, 2014 is committed to the project listed below:

- Rehabilitation of Playfields at Fernandez Park Project - \$15,509.

This project was first approved in the FY2016-17 through 2020-21 Five-Year Capital Improvement Plan adopted by Council on September 20, 2016, and carried forward to subsequent fiscal years. This project is also included in the Development Impact Fee Report included as Attachment A.

Findings

In accordance with California Government Code Section 66001(d), the City is reporting the following findings as of June 30, 2019:

- In FY2018-19, Administrative Overhead fees which total \$3,523.71 were recorded to Development Services Fund - 212. These fees were allocated to administrative overhead costs. Administrative Overhead fees collected to administer Development Impact Fees are tracked with accounting code 34410-Impact Fees/Admin.

- Parkland Dedication Fund - 275 reports a balance of \$4,379.85 held past five years. These funds are committed to the Fernandez Park Play Fields Rehabilitation project.

FISCAL IMPACT

Staff has reviewed the development impact fees collected from July 1, 2014 through June 30, 2019. For Growth Impact Fund – 276, no development impact fees collected prior to July 1, 2014, the subject compliance year of this report, remain unexpended or uncommitted. For Parkland Dedication Fund – 275, \$4,379.85 is held past five years, unexpended but committed.

Current rates and fee adjustments will be reevaluated with the development of the Capital Improvement Plan budget for FY 2020-21.

ATTACHMENTS

A – Development Impact Fee Report for the year ended June 30, 2019.

B – Resolution

Development Impact Fee Report

Fiscal Year Ended June 30, 2019



City of Pinole
2131 Pear Street
Pinole, CA 94564



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DEVELOPMENT IMPACT FEE PROJECT IDENTIFICATION 10

LEGAL REQUIREMENTS FOR DEVELOPMENT IMPACT FEE REPORTING**A. CALIFORNIA GOVERNMENT CODE SECTION 66006 (b)**

California Government Code Section 66006 (b) defines the specific reporting requirements for local agencies that impose AB 1600 development impact fees on new development. Annually, for each development impact fee collected and expended, the local agency shall, within 180 days after the last day of each fiscal year, make available to the public the information shown below for the most recent fiscal year.

- A brief description of the type of fee in the account or fund;
- The amount of the fee;
- The beginning and ending balance of the account or fund;
- The amount of the fees collected and interest earned;
- Identification of each public improvement on which fee revenue was expended and the amount of expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fee revenue;
- Identification of the approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement;
- A description of each inter-fund transfer or loan made from the account or fund, including interest rates, repayment dates, and a description of the improvements on which the transfer or loan will be expended;
- The amount of any refunds or allocations made pursuant to Section 66001, paragraphs (e) and (f).

B. CALIFORNIA GOVERNMENT CODE SECTION 66001 (d)

For all funds established for the collection and expenditure of development impact fees, California Government Code Section 66001 (d) has additional requirements. For the fifth fiscal year following the first deposit into the fund and every five years thereafter, the local agency shall make all of the following findings with respect to that portion of the fund remaining unexpended, whether committed or uncommitted:

- Identify the purpose to which the fee is to be put;
- Demonstrate a reasonable relationship between the fee and purpose for which it is charged;
- Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements;
- Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.

As of June 30, 2019, the City is reporting the following findings:

- In FY2018-19, Administrative Overhead fees which total \$3,523.71 were recorded in the Development Services Fund 212. These fees were allocated to administrative overhead costs. Administrative Overhead fees collected to administer Development Impact Fees are tracked with accounting code 34410-Impact Fees/Admin.
- Parkland Dedication Fund reports a balance of \$4,379.85 held past five years. These funds are committed to the Fernandez Park Play Fields Rehabilitation project.

C. ADDITIONAL NOTES

The State of California Government Code Section 66002 states that local agencies that have developed a fee program may adopt a CIP indicating the approximate location, size and timing of projects, plus an estimate for the cost of all facilities or improvements to be financed by fees. A formal CIP is recommended, at a minimum, as a five-year plan. The City annually produces a five- year CIP which helps to maintain and support the City's General Plan.

The City's current, proposed 2019-20 – 2023-24 Capital Improvement Plan can be found on the City's website at <https://www.ci.pinole.ca.us>.

D. ESTABLISHING A REASONABLE RELATIONSHIP BETWEEN THE FEE AND THE PURPOSE FOR WHICH IT IS CHARGED

The City's Development Impact Fee Program has been in effect since September 19, 1984. The current Development Impact Fee was adopted on July 1, 2008. Adjustments to the fees may be made annually in accordance with the Engineering News Record Construction Cost Index-San Francisco Bay Area. The program sets forth the relationship between contemplated future development, facilities needed to serve future development and the estimated costs of those improvements based on the current General Plan for build-out. A comprehensive fee study is currently underway to ensure the program continues to reflect the appropriate fees in relation to updated costs.

The City's capital improvements provide infrastructure to the residents and businesses in Pinole in order to keep pace with ongoing development in, and adjacent to the community. Information on current CIP projects that are funded from Development Impact Fees can be found on page 10. Impact fees may also be used to pay the principal, interest and other cost of bonds, notes and other obligations issued or undertaken by or on behalf of the City to finance such facilities.

E. FUNDING OF INFRASTRUCTURE

The Fiscal Year 2019-20 – 2023-24 CIP identifies all funding sources and amounts for individual projects through FY 2023-24. The CIP is updated annually to reflect the current infrastructure needs of the City. As a CIP project is identified, the project is evaluated to determine the portion of the project that will service existing residents and businesses versus new development.

Once the determination of use is made, the percentage of use attributable to new development is then funded by the appropriate development fee based on the type of project. The percentage of use associated with existing residents or businesses are funded from other appropriate sources as identified on each individual project sheet in the CIP. All future planned infrastructure needs are outlined in the Development Fee Program. Estimated construction start dates for projects are adjusted, as needed, to reflect the needs of the community.

F. CURRENT MAJOR CIP PROJECTS

Currently, construction is in-progress on the Water Pollution Control Plant (WPCP) Upgrade Project funded in part by Wastewater Facility Fees and Development Impact Fees.

DESCRIPTION OF DEVELOPMENT IMPACT FEES

Police Facility Fee – To provide for the expansion, design and construction of police facilities, or to upgrade existing police facilities. To purchase vehicles, enhance communication systems and/or perform refurbishment within the parameters allowed by Government Code 66000.

Fire Protection Facility Fee – To provide for the expansion, design and construction of fire facilities, or to upgrade existing fire facilities. To purchase equipment and vehicles, enhance communication systems and/or perform refurbishment within the parameters allowed by Government Code 66000.

Public Facility & Equipment Fee – To provide for the expansion, design and construction of municipal or community facilities, or to upgrade existing facilities; to purchase equipment and vehicles, enhance communication systems and/or perform refurbishment within the parameters allowed by Government Code 66000.

Wastewater Facility Fee – To provide for the upgrade and expansion of sewer collection and wastewater treatment capacities at the Water Pollution Control Plant.

Transportation Facility Fee – To provide for traffic improvements that include arterial roadway and intersection improvements to accommodate new development.

Drainage Facility Fee – To provide for the expansion of drainage facilities to accommodate new development.

Parks and Recreation Facility Fee – To provide for the acquisition and development of parks as specified in the City's Parkland Dedication Ordinance (PDO) (Municipal Code Sec. 16.28) which requires as a condition of approval for the subdivision of land, the dedication of park land or payment of a fee in-lieu of dedication, pursuant to California Government Code 66477 (the "Quimby Act"). The Quimby Act allows the City to require the dedication of land for park purposes up to the rate of the existing acreage per 1,000 population, which stands at 3.34 acres. The City may collect the full AB1600 park impact fees for park acquisition and development at the issuance of building permits, but may not impose the land dedication requirement at the subdivision stage. The City may collect on either the PDO or the impact fee, but not both.

CURRENT FEE SCHEDULE

The Development Impact Fees were adopted on April 3, 2018. Fees are reviewed annually and adjustments may be made in conjunction with the development of the Capital Improvement Plan to ensure the Development Impact Fee is accounting for all planned future development. The updated Development Impact Fee information is then used to determine the amount of fees available for the funding of the proposed CIP projects.

| Development Impact Fees (Resolution No. 2018-29/April 3, 2018) | | | | | | |
|--|--------------------|--------------------|------------------------------------|-------------------|-------------------|-------------------|
| Facility Category | Single Family | Multi-Family | Office | Commercial | Industrial | Institutional |
| Fee per Dwelling Unit | | | Fee per 1,000 Building Square Feet | | | |
| Police | \$1,148.95 | \$870.42 | \$435.21 | \$139.27 | \$348.17 | \$34.82 |
| Fire Protection | \$1,468.25 | \$1,112.31 | \$556.16 | \$177.97 | \$444.92 | \$44.49 |
| Public Facilities & Equipment | \$1,981.29 | \$1,500.98 | \$750.49 | \$240.16 | \$600.39 | \$60.04 |
| Wastewater | \$4,943.00 | \$3,707.00 | \$2,296.00 | \$2,296.00 | \$1,879.00 | \$1,252.00 |
| Transportation | \$414.83 | \$294.53 | \$555.87 | \$1389.68 | \$365.05 | \$1053.67 |
| Drainage | \$1,104.82 | \$66.29 | \$162.32 | \$162.32 | \$321.27 | \$380.45 |
| Growth Impact Total | \$11,061.14 | \$7,551.53 | \$4,756.05 | \$4,405.40 | \$3,958.80 | \$2,825.47 |
| Parks and Recreation | \$8,013.78 | \$6,071.05 | N/A | N/A | N/A | N/A |
| Subtotal | \$19,074.92 | \$13,622.58 | \$4,756.05 | \$4,405.40 | \$3,958.80 | \$2,825.47 |
| Administration 3% | \$572.25 | \$408.68 | \$142.68 | \$132.16 | \$118.76 | \$84.76 |
| Total | \$19,647.17 | \$14,031.26 | \$4,898.73 | \$4,537.56 | \$4,077.56 | \$2,910.23 |

Financial Summary Report

Statement of Revenues, Expenditures and Changes in Fund Balance

For the Year Ended June 30, 2019

| Development Impact Fees | | |
|--|-------------------|---------------------|
| Description | Growth Impact | Parkland Dedication |
| REVENUE | | |
| Fees-Police | 8,203.70 | - |
| Fees-Fire | 10,483.56 | - |
| Fees-Transportation | 5,685.73 | - |
| Fees-Storm Drainage | 4,571.92 | - |
| Fees-Public Facilities | 14,146.73 | - |
| Fees-Wastewater | 38,655.18 | - |
| Fees-Administrative OH | 3,523.71 | - |
| Fees-Parks & Recreation | - | 36,183.44 |
| Interest | 733.19 | 344.94 |
| Other Revenue | - | - |
| Total Revenue | 86,003.72 | 36,528.38 |
| EXPENDITURES | | |
| Expenditures | 3,523.71 | - |
| Total Expenditures | 3,523.71 | - |
| REVENUE OVER (UNDER) EXPENDITURES | 82,480.01 | 36,528.38 |
| Fund Balance, Beginning of Year | (9,112.71) | 24,608.42 |
| Fund Balance, End of Year | 73,367.30 | 61,136.80 |

Growth Impact Fund - 276

Statement of Revenues, Expenditures and Changes in Fund Balance

Last Five Fiscal Years

| Description | FY 2014/15 | FY 2015/16 | FY 2016/17 | FY 2017/18 | FY 2018/19 |
|--|---------------------|---------------------|---------------------|---------------------|-----------------------|
| REVENUE | | | | | |
| Fees-Police | 2,983.98 | 6,706.20 | 1,148.95 | 16,820.86 | 8,203.70 |
| Fees-Fire | 3,813.20 | 8,569.70 | 1,468.25 | 21,495.26 | 10,483.56 |
| Fees-Transportation | 13,390.20 | 66,916.26 | 414.83 | 30,737.54 | 5,685.73 |
| Fees-Storm Drainage | 3,217.73 | 7,816.11 | 1,104.82 | 5,911.02 | 4,571.92 |
| Fees-Public Facilities | 5,145.37 | 11,564.30 | 1,981.00 | 15,713.95 | 14,146.73 |
| Fees-Wastewater | 8,293.53 | 43,738.36 | - | - | 38,655.18 |
| Fees-Administrative OH | 1,553.35 | 4,359.56 | 482.15 | - | 3,523.71 |
| Fees-Parks & Recreation | - | - | - | - | - |
| Interest | 13.23 | 396.56 | 16.78 | 669.04 | 733.19 |
| Other Revenue | - | - | - | - | - |
| Total Revenue | 38,410.59 | 150,067.05 | 6,616.78 | 91,347.67 | 86,003.72 |
| EXPENDITURES | | | | | |
| Expenditures | - | - | - | - | 3,523.71 ¹ |
| Total Expenditures | - | - | - | - | 3,523.71 |
| REVENUE OVER (UNDER) EXPENDITURES | 38,410.59 | 150,067.05 | 6,616.78 | 91,347.67 | 82,480.01 |
| Fund Balance, Beginning of Year | (295,554.80) | (257,144.21) | (107,077.16) | (100,460.38) | (9,112.71) |
| Fund Balance, End of Year | (257,144.21) | (107,077.16) | (100,460.38) | (9,112.71) | 73,367.30 |

¹ Administrative Overhead Impact Fees in the amount of \$3,523.71 were recorded in the Development Services Fund – 212. This was allocated to salary and benefits for development staff.

Parkland Dedication Fund - 275

Statement of Revenues, Expenditures and Changes in Fund Balance Last Five Fiscal Years

| Description | FY 2014/15 | FY 2015/16 | FY 2016/17 | FY 2017/18 | FY 2018/19 |
|--|-----------------------------|------------------|------------------|------------------|------------------|
| REVENUE | | | | | |
| Fees-Parks & Recreation | 12,021.00 | - | - | 8,014.00 | 36,183.44 |
| Interest | 2.76 | 50.01 | 1.07 | 139.73 | 344.94 |
| Other Revenue | - | - | - | - | - |
| Total Revenue | 12,023.76 | 50.01 | 1.07 | 8,153.73 | 36,528.38 |
| EXPENDITURES | | | | | |
| Expenditures | - | - | - | - | - |
| Total Expenditures | - | - | - | - | - |
| REVENUE OVER (UNDER) EXPENDITURES | 12,023.76 | 50.01 | 1.07 | 8,153.73 | 36,528.38 |
| Fund Balance, Beginning of Year | 4,379.85² | 16,403.61 | 16,453.62 | 16,454.69 | 24,608.42 |
| Fund Balance, End of Year | 16,403.61 | 16,453.62 | 16,454.69 | 24,608.42 | 61,136.80 |

² \$4,379.85 is held past five years but committed to the Fernandez Park Play Fields Rehabilitation project.

NOTES TO THE DEVELOPMENT IMPACT FEE REPORT

The Notes address two items required by California Government Code Section 66006 (b). First, Notes #1 and #2 provide information on bonds and notes payable associated with improvements to the City's wastewater system and upgrade to the Water Pollution Control Plant. Second, Note #3 provides information on refunds made, if applicable, due to sufficient funds being collected to complete financing on incomplete public improvements, and the amount of reallocation of funds made due to administrative costs of refunding unexpended revenues exceeding the amount to be refunded.

NOTE # 1 – BONDS

A. 2016 WASTEWATER REVENUE REFUNDING BONDS

On June 30, 2016, the City of Pinole issued an \$8,251,000 Wastewater Revenue Refunding Bond (Bank Qualified) to redeem its 2006 Wastewater Revenue Bonds which were issued to finance certain capital improvements to the City's wastewater system. The bonds bear annual interest at 2.95% which is payable semi-annually on March 1 and September 1 of each year through 2036. Principal payments are due annually beginning on September 1, 2016 through 2036. The bond is secured with pledged net wastewater revenues.

Bonds payable debt service requirements for business-type activities are shown below:

| For the Year Ending, June 30 | Principal | Interest |
|------------------------------|---------------------|---------------------|
| 2019 | \$ 298,000 | \$ 219,097 |
| 2020 | 310,000 | 210,129 |
| 2021 | 318,000 | 200,866 |
| 2022 | 329,000 | 191,323 |
| 2023 | 341,000 | 181,440 |
| 2024-2028 | 1,857,000 | 748,489 |
| 2029-2033 | 2,150,000 | 453,504 |
| 2034-2037 | 1,973,000 | 118,634 |
| | <u>\$ 7,576,000</u> | <u>\$ 2,323,479</u> |

NOTE # 2 – NOTES PAYABLE**A. STATE WATER RESOURCES LOAN (WASTEWATER)**

On June 17, 2016, the City entered into a loan agreement with the State of California's State Water Resources Control Board for the purpose of financing the Pinole-Hercules Wastewater Pollution Control Plant Upgrade project to comply with Regional Water Quality Board NPDES permit requirements. Under the terms of the contract, the City has agreed to repay the State \$34,100,332 in exchange for receiving \$26,635,666 in proceeds used to fund the project. The difference between the repayment obligation and proceeds amounted to \$7,464,666 upon issue and represents interest on the outstanding balance. This interest amount is based on a yield of 1.7% per year and is amortized over the life of the agreement. Construction on the project began in May 2016, with an estimated completion date of September 2019. Loan payments are estimated to begin in 2020 with payment due annually on August 31 based on the preliminary payment schedule below:

| For the Year Ending, June 30 | Principal | Interest |
|------------------------------|----------------------|---------------------|
| 2020 | \$ 623,106 | \$ 352,731 |
| 2021 | 716,571 | 405,922 |
| 2022 | 713,462 | 429,467 |
| 2023 | 725,026 | 417,903 |
| 2024 | 737,351 | 405,578 |
| 2025-2029 | 3,879,097 | 1,835,546 |
| 2030-2034 | 4,220,223 | 1,494,420 |
| 2035-2039 | 4,591,347 | 1,123,296 |
| 2040-2044 | 4,995,108 | 719,535 |
| 2045-2049 | 5,434,376 | 280,267 |
| | <u>\$ 26,635,666</u> | <u>\$ 7,464,666</u> |

NOTE # 3 – REFUNDS PAYABLE**A. REFUNDS OF DEVELOPER FEES**

When the City no longer needs the funds for the purposes collected, or if the City fails to make required findings or perform certain administrative tasks prescribed by AB 1600, the City may be required to refund, on a prorated basis, to owners of the properties upon which the fees for the improvement were imposed, the monies collected for that project and any interest earned on those funds. At this time, all fees being collected pursuant to the Development Fee Program have been earmarked for current or future capital projects necessary to maintain the current levels of service within existing service areas to serve new development.

DEVELOPMENT IMPACT FEE PROJECT IDENTIFICATION

The Development Impact Fee funded projects listed below conform to the following reporting requirements defined by California Government Code Section 66006 (b):

- An identification of each public improvement on which fees were expended and the amount of expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.
- An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement.

All of the current projects including all funding sources and approximate dates of funding can be found in the FY 2019-20 through 2023-24 Capital Improvement Plan.

| Project # | Project | Amount | Start Date | End Date | Source |
|--------------|--------------------------------------|------------------|------------|-----------|----------------------------|
| PA1704 | Rehab Play Fields at Fernandez Park | \$15,509 | July 2018 | June 2020 | Park Impact Fees |
| PA1704 | Rehab Play Fields at Fernandez Park | \$24,491 | July 2018 | June 2020 | Park Grants |
| Total | | \$40,000 | | | |
| SW1901 | Hazel Street Drainage Improvements | \$192,000 | July 2019 | June 2020 | Measure S 2014 Fund |
| SW1901 | Hazel Street Drainage Improvements | \$8,000 | July 2019 | June 2020 | Drainage Impact Fees |
| Total | | \$200,000 | | | |
| RO1802 | Hazel Street Gap Closure (Sunnyview) | \$31,500 | July 2019 | June 2020 | Transportation Impact Fees |
| RO1802 | Hazel Street Gap Closure (Sunnyview) | \$18,500 | July 2019 | June 2020 | Unfunded |
| Total | | \$50,000 | | | |

RESOLUTION NO. 2019-__

A RESOLUTION OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, FINDING THAT DEVELOPMENT IMPACT FUNDS THROUGH FISCAL YEAR END JUNE 30, 2019 ARE COMMITTED OR EXPENDED

WHEREAS, Government Code §66001(d), effective January 1, 1989, requires the City to make findings once each fiscal year with respect to any portion of a growth impact fee remaining unexpended or uncommitted in its development fee account(s) five or more years after deposit of the fee, and to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged, identify the sources and amounts of anticipated funding used to complete incomplete improvements and identify approximate dates on which the anticipated funding is expected to be deposited; and

WHEREAS, Government Code §66006(d), effective January 1, 1989, requires that a report documenting these findings must be made within 180 days following the conclusion of each fiscal year by the City; and

WHEREAS, City staff have reviewed the development impact fees collected each fiscal year covering July 1, 2014 through June 30, 2019 to determine if any such development fees remain unexpended or uncommitted; and

WHEREAS, City staff has found that no development impact fees collected prior to July 1, 2014, the subject compliance year of this report, remain unexpended or uncommitted.

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

Section 1. There are no funds remaining unexpended or uncommitted in the Growth Impact Fund – 276.

Section 2. There is \$4,375.67 remaining unexpended but committed in the Parkland Dedication Fund – 275 as follows:

- Rehabilitation of Playfields at Fernandez Park Project - \$15,509 to be completed in fiscal year 2019-20.

PASSED AND ADOPTED this 17th day **September 2019**, 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 17th day of **September, 2019**.

Heather Iopu, CMC
City Clerk



CITY COUNCIL REPORT

7D

DATE: SEPTEMBER 17, 2019

TO: MAYOR AND COUNCIL MEMBERS

FROM: MICHELLE FITZER, CITY MANAGER

SUBJECT: AUTHORIZE COUNCIL MEMBER SALIMI TO VOTE YES ON THE
LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE
RESOLUTIONS

RECOMMENDATION

It is recommended that, by minute order, the City Council authorize Council member Salimi to vote yes on the two (2) League of California Cities annual conference resolutions.

BACKGROUND

Every year the League of California Cities hosts an annual conference. On the last day of the conference each agencies Voting Delegate may vote on the resolutions presented for consideration. This year Council member Salimi is attending the conference and was designated by the Council as Pinole's Voting Delegate.

REVIEW & ANALYSIS

For 2019 there are two (2) resolutions being presented for consideration.

- ***Resolution #1***

The first resolution is sponsored by the City of City of Rancho Palos Verdes and supported by the cities of Hidden Hills, La Cañada Flintridge, Laguna Beach, Lakeport, Malibu, Moorpark, Nevada City, Palos Verdes Estates, Rolling Hills Estates, Rolling Hills, and Ventura.

This Resolution, in response to intensifying fire seasons and hazards associated with exposed energized utility lines, proposes that the League of California Cities (League) call upon the California Public Utilities Commission (CPUC) to amend the Rule 20A program by expanding the criteria for undergrounding overhead utilities to include projects in Very High Fire Hazard Severity Zones (VHFHSZ). This Resolution also proposes that the League call upon the CPUC to increase utilities' funding allocations for Rule 20A projects.

Rule 20A

The first California overhead conversion program, Rule 20A, was created in 1967 under then Governor Ronald Reagan. The program was created to provide a consistent and structured means of undergrounding utility lines throughout the state with costs covered broadly by utility ratepayers.

Each year, Investor Owned Utilities (IOUs) propose their Rule 20A allocation amounts to the CPUC during annual general rate case proceedings. In this process, IOUs propose revised utility customer rates based on expected service costs, new energy procurement and projects for the following year, including Rule 20 allocations. The CPUC then reviews, amends, and approves IOU rates. Currently, the cumulative budgeted amount for Rule 20A for Pacific Gas and Electric (PG&E), Southern California Edison (SCE), and San Diego Gas and Electric (SDG&E) totals around \$95.7 million.

The funding set aside by IOUs for Rule 20A is allocated to local governments through a credit system, with each credit holding a value to be used solely for the costs of an undergrounding project. The credit system was created so that local governments and IOUs can complete undergrounding projects without municipal financing. Through Rule 20A, municipalities that have developed and received city council approval for an undergrounding plan receive annual credits from the IOU in their service area. At the last count by the CPUC, over 500 local governments (cities and counties) participate in the credit system.

While these credits have no inherent monetary value, they can be traded in or banked for the conversion of overhead lines. Municipalities can choose to accumulate their credits until their credit balance is sufficient to cover these conversion projects, or choose to borrow future undergrounding allocations for a period of up to five years. Once the cumulative balance of credits is sufficient to cover the cost of a conversion project, the municipality and the utility can move forward with the undergrounding. All of the planning, design, and construction is performed by the participating utility. Upon the completion of an undergrounding project, the utility is compensated through the local government's Rule 20A credits.

At the outset of the program, the amount of allocated credits were determined by a formula which factored in the number of utility meters within a municipality in comparison to the utilities' service territory. However, in recent years the formula has changed. Credit allocations for IOUs, except for PG&E, are now determined based on the allocation a city or county received in 1990 and is then adjusted for the following factors:

- 50% of the change from the 1990 total budgeted amount is allocated for the ratio of the number of overhead meters in any city or unincorporated area to the total system overhead meters; and
- 50% of the change from the 1990 total budgeted amount is allocated for

the ratio of the number of meters (which includes older homes that have overhead services, and newer homes with completely underground services) in any city or the unincorporated area to the total system meters.

As noted, PG&E has a different funding formula for their Rule 20A credit allocations as they are not tied to the 1990 base allocation. Prior to 2011, PG&E was allocating approximately five to six percent of its revenue to the Rule 20A program. The CPUC decided in 2011 that PG&E's Rule 20A allocations should be reduced by almost half in an effort to decrease the growing accumulation of credits amongst local governments. Since 2011, PG&E's annual allocations for Rule 20A have been around \$41.3 million annually, which is between two and three percent of their total revenue.

Criteria for Rule 20A Projects

For an undergrounding project to qualify for the Rule 20A program, there are several criteria that need to be met. The project must have a public benefit and:

1. Eliminate an unusually heavy concentration of overhead lines;
2. Involve a street or road with a high volume of public traffic;
3. Benefit a civic or public recreation area or area of unusual scenic interest;
4. Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines

Notably, fire safety is excluded from the list of criteria that favors aesthetic and other public safety projects.

The detailed League Staff Analysis for this resolution can be found starting on page 11 of the attached Annual Conference Resolution Packet.

• **Resolution #2**

The second resolution is sponsored by the League of California Cities' San Diego County Division.

This Resolution states that the League of California Cities should call upon the State and Federal governments to restore and ensure proper funding for the U.S. – Mexico Border Water Infrastructure Program (BWIP) and work bi-nationally to address water quality issues resulting from transboundary flows from Mexico's Tijuana River into the United States containing untreated sewage, polluted sediment, and trash.

The League of California Cities' San Diego County Division is sponsoring this resolution to address their concerns over the contaminated flows from the Tijuana River into California that have resulted in the degradation of water quality and water recreational areas in Southern California.

The Tijuana River flows north through highly urbanized areas in Mexico before it enters the Tijuana River Estuary and eventually the Pacific Ocean via waterways in San Diego County in California. Urban growth in Tijuana has contributed to a rise in rates of upstream flows from water treatment facilities in Mexico. These treatment facilities have raised the amount of untreated sewage and waste in the Tijuana River due to faulty infrastructure and improper maintenance. The federal government refers to the river as an “impaired water body” because of the presence of pollutants in excess, which pose significant health risks to residents and visitors in communities on both sides of the border.

The detailed League Staff Analysis for this resolution can be found starting on page 39 of the attached Annual Conference Resolution Packet.

FISCAL IMPACTS

There is no direct fiscal impact to the City of Pinole related to these resolutions.

Resolution 1:

The costs to the State associated with this Resolution will be related to the staff and programmatic costs to the CPUC to take the necessary measures to consider and adopt changes to Rule 20A to include projects in VHFHSZ to the list of criteria for eligibility.

This Resolution calls for an unspecified increase in funding for Rule 20A projects, inferring that portions of increased funds will go towards newly eligible high fire hazard zones. While the Resolution does not request a specific amount be allocated, it can be assumed that these increased costs will be supported by utility ratepayers. According to the CPUC, the annual allocations towards Rule 20A are \$95.7 million.

Resolution 2:

California’s economy is currently the sixth largest in the world, with tourism spending topping \$140.6 billion in 2018. In the past five years, San Diego’s Border Field State Park has been closed for over 800 days because of pollution from the Tijuana River. A decline in the State’s beach quality and reputation could carry macroeconomic effects that could ripple outside of the San Diego County region and affect coastal communities throughout California.

ATTACHMENTS

A 2019 League of California Cities Annual Conference Resolution Packet



***Annual Conference
Resolutions Packet***

2019 Annual Conference Resolutions



Long Beach, California

October 16 – 18, 2019

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, two resolutions have been introduced for consideration at the Annual Conference and referred to League policy committees.

POLICY COMMITTEES: Two policy committees will meet at the Annual Conference to consider and take action on the resolutions referred to them. The committees are: Environmental Quality and Transportation, Communication & Public Works. The committees will meet from 9:00 – 11:00 a.m. on Wednesday, October 16, at the Hyatt Regency Long Beach. The sponsors of the resolutions have been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, October 17, at the Hyatt Regency Long Beach, 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. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:30 p.m. on Friday, October 18, at the Long Beach Convention Center.

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 17. Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Carly Shelby cshelby@cacities.org 916-658-8279 or Nick Romo nromo@cacities.org 916-658-8232 at the League office.

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 principles 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).

LOCATION OF MEETINGS

Policy Committee Meetings

Wednesday, October 16, 9:00 – 11:00 a.m.

Hyatt Regency Long Beach

200 South Pine Avenue, Long Beach

The following committees will be meeting:

1. Environmental Quality 10:00 - 11:00 a.m.
2. Transportation, Communication & Public Works 9:00 - 10:00 a.m.

General Resolutions Committee

Thursday, October 17, 1:00 p.m.

Hyatt Regency Long Beach

200 South Pine Avenue, Long Beach

Annual Business Meeting and General Assembly Luncheon

Friday, October 18, 12:30 p.m.

Long Beach Convention Center

300 East Ocean Boulevard, Long Beach

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 | | |

ENVIRONMENTAL QUALITY POLICY COMMITTEE

| | | | | |
|---|---|---|---|---|
| | | 1 | 2 | 3 |
| 1 | Amendment to Rule 20A | | | |
| 2 | International Transboundary Pollution Flows | | | |

TRANSPORTATION, COMMUNICATION & PUBLIC WORKS POLICY COMMITTEE

| | | | | |
|---|-----------------------|---|---|---|
| | | 1 | 2 | 3 |
| 1 | Amendment to Rule 20A | | | |

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: www.cacities.org. The entire Resolutions Packet is posted at: www.cacities.org/resolutions.

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 League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: [Guidelines for the Annual Conference Resolutions Process](#).

League of California Cities Resolution Process

REGULAR RESOLUTIONS

| Policy Committee Action | General Resolutions Committee Action | Calendar |
|-------------------------|--------------------------------------|--------------------------------------|
| Approve | Approve | Consent Calendar ¹ |
| Approve | Disapprove or Refer | Regular Calendar ² |
| Disapprove or Refer | Approve | Regular Calendar |
| Disapprove or Refer | Disapprove or Refer | Does not proceed to General Assembly |

PETITION RESOLUTIONS

| Policy Committee Action | General Resolutions Committee Action | Calendar |
|-------------------------------|--------------------------------------|--------------------------------------|
| Not Heard in Policy Committee | Approve | Consent Calendar |
| Not Heard in Policy Committee | Disapprove or Refer | Regular Calendar |
| Not Heard in Policy Committee | Disqualified per Bylaws Art. VI | Does not proceed to General Assembly |

Resolutions

- Submitted 60 days prior to conference *Bylaws Article VI, Sec. 4(a)*
- Signatures of at least 5 supporting cities or city officials submitted with the proposed resolution *Bylaws Article VI, Sec. 2*
- Assigned to policy committee(s) by League president *Bylaws Article VI, Sec. 4(b)(i)*
- Heard in policy committee(s) and report recommendation, if any, to GRC *Bylaws Article VI, Sec. 4(b)(ii)*
- Heard in GRC
 - Approved by policy committee(s) and GRC, goes on to General Assembly on consent calendar *2006 General Assembly Resolution Sec. 2(C)*
 - If amended/approved by all policy committee(s) to which it has been referred and disapproved by GRC, then goes on to General Assembly on the regular calendar. If not all policy committees to which it has been referred recommend amendment or approval, and the GRC disapproves or refers the resolution, the resolution does not move to the General Assembly *2006 General Assembly Resolution Sec. 2(A),(C); 1998 General Assembly Resolution, 1st Resolved Clause*
 - If disapproved by all policy committees to which it has been referred and disapproved by the GRC, resolution does not move to the General Assembly *2006 General Assembly Resolution Sec. 2(C)*
- Heard in General Assembly

¹ The consent calendar should only be used for resolutions where there is unanimity between the policy committees and the GRC that a resolution should be approved by the General Assembly, and therefore, it can be concluded that there will be less desire to debate the resolution on the floor.

² The regular calendar is for resolutions for which there is a difference in recommendations between the policy committees and the GRC.

Petitioned Resolutions

- Submitted by voting delegate *Bylaws Article VI, Sec. 5 (a)*
- Must be signed by voting delegates representing 10% of the member cities *Bylaws Article VI, Sec. 5 (c)*
- Signatures confirmed by League staff
- Submitted to the League president for confirmation 24 hours before the beginning of the General Assembly. *Bylaws Article VI, Sec. 5 (d)*
- Petition to be reviewed by Parliamentarian for required signatures of voting delegates and for form and substance *Bylaws Article VI, Sec. 5(e)*
- Parliamentarian's report is presented to chair of GRC
- Will be heard at GRC for action (GRC cannot amend but may recommend by a majority vote to the GA technical or clarifying amendments) *2006 General Assembly Resolution sec. 6(A), (B)*
- GRC may disqualify if:
 - Non-germane to city issues
 - Identical or substantially similar in substance to a resolution already under consideration *Bylaws Article VI, Sec. 5(e), (f)*
- Heard in General Assembly
 - General Assembly will consider the resolution following the other resolutions³ *Bylaws Article VI, Sec. 5(g)*
 - Substantive amendments that change the intent of the petitioned resolution may only be adopted by the GA *2006 General Assembly Resolution sec. 6(C)*

Voting Procedure in the General Assembly

Consent Calendar: Resolution approved by Policy Committee(s) and GRC. Petitioned resolution approved by GRC)

- GRC Chair will be asked to give the report from the GRC and will ask for adoption of the GRC's recommendations
- Ask delegates if there is a desire to call out a resolution for discussion
- A voting delegate may make a motion to remove a resolution from the consent calendar for discussion
- If a motion is made to pull a resolution, the General Assembly votes on whether to pull the resolution from the consent calendar.
- If a majority of the General Assembly votes to pull the resolution, set "called out" reso(s) aside. If the motion fails, the resolution remains on the consent calendar.
- If reso(s) not called out, or after 'called out' reso is set aside, then ask for vote on remaining resos left on consent
- Move on to debate on reso(s) called out
- After debate, a vote is taken
- Voting delegates vote on resolutions by raising their voting cards.⁴

³ Petitioned Resolutions on the Consent Calendar will be placed after all General Resolutions on the Consent Calendar. Petitioned Resolutions on the Regular Calendar will be placed after all General Resolutions on the Regular Calendar.

⁴ Amendments to League bylaws require 2/3 vote

Regular Calendar: Regular resolutions approved by Policy Committee(s)⁵, and GRC recommends disapproval or referral; Regular resolutions disapproved or referred by Policy Committee(s)⁶ and GRC approves; Petitioned resolutions disapproved or referred by the GRC.

- Open the floor to determine if a voting delegate wishes to debate a resolution on the regular calendar.
- If no voting delegate requests a debate on the resolution, a vote to ratify the recommendation of the GRC on the resolution is taken.
- Upon a motion by a voting delegate to debate a resolution, a debate shall be held if approved by a majority vote of the General Assembly. If a majority of the General Assembly to debate the resolution is not achieved, then a vote shall be taken on whether to ratify the GRC's recommendation. If a majority of the General Assembly approves of the motion to debate the resolution, debate will occur. After debate on the resolution, a vote is taken based upon the substitute motion that was made, if any, or on the question of ratifying the GRC's recommendation.
- Voting delegates vote by raising their voting cards.

⁵ Applies in the instance where the GRC recommendation of disapproval or refer is counter to the recommendations of the policy committees.

⁶ Applies in the instance where the GRC recommendation to approve is counter to the recommendations of the policy committees.

1. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING ON THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO AMEND RULE 20A TO ADD PROJECTS IN VERY HIGH FIRE HAZARD SEVERITY ZONES TO THE LIST OF ELIGIBILITY CRITERIA AND TO INCREASE FUNDING ALLOCATIONS FOR RULE 20A PROJECTS

Source: City of Rancho Palos Verdes

Concurrence of five or more cities/city officials

Cities: City of Hidden Hills, City of La Cañada Flintridge, City of Laguna Beach, City of Lakeport, City of Malibu, City of Moorpark, City of Nevada City, City of Palos Verdes Estates, City of Rolling Hills Estates, City of Rolling Hills, City of Ventura

Referred to: Environmental Quality Policy Committee; Transportation, Communications, and Public Works Policy Committee

WHEREAS, the California Public Utilities Commission regulates the undergrounding conversion of overhead utilities under Electric Tariff Rule 20 and;

WHEREAS, conversion projects deemed to have a public benefit are eligible to be funded by ratepayers under Rule 20A; and

WHEREAS, the criteria under Rule 20A largely restricts eligible projects to those along streets with high volumes of public traffic; and

WHEREAS, the cost of undergrounding projects that do not meet Rule 20A criteria is left mostly or entirely to property owners under other parts of Rule 20; and

WHEREAS, California is experiencing fire seasons of worsening severity; and

WHEREAS, undergrounding overhead utilities that can spark brush fires is an important tool in preventing them and offers a public benefit; and

WHEREAS, brush fires are not restricted to starting near streets with high volumes of public traffic; and

WHEREAS, expanding Rule 20A criteria to include Very High Fire Hazard Severity Zones would facilitate undergrounding projects that would help prevent fires; and

WHEREAS, expanding Rule 20A criteria as described above and increasing funding allocations for Rule 20A projects would lead to more undergrounding in Very High Fire Hazard Severity Zones; and now therefore let it be,

RESOLVED that the League of California Cities calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility and to increase funding allocations for Rule 20A projects.

Background Information on Resolution No. 1

Source: City of Rancho Palos Verdes

Background:

Rancho Palos Verdes is the most populated California city to have 90 percent or more of residents living in a Cal Fire-designated Very High Fire Hazard Severity Zone. Over the years, the Palos Verdes Peninsula has seen numerous brush fires that were determined to be caused by electrical utility equipment.

Across the state, some of the most destructive and deadly wildfires were sparked by power equipment. But when it comes to undergrounding overhead utilities, fire safety is not taken into account when considering using ratepayer funds to pay for these projects under California's Electric Tariff Rule 20 program. The program was largely intended to address visual blight when it was implemented in 1967. Under Rule 20A, utilities must allocate ratepayer funds to undergrounding conversion projects chosen by local governments that have a public benefit and meet one or more of the following criteria:

- Eliminate an unusually heavy concentration of overhead lines;
- Involve a street or road with a high volume of public traffic;
- Benefit a civic or public recreation area or area of unusual scenic interest; and,
- Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines.

As we know, brush fires are not restricted to erupting in these limited areas. California's fire season has worsened in severity in recent years, claiming dozens of lives and destroying tens of thousands of structures in 2018 alone.

Excluding fire safety from Rule 20A eligibility criteria puts the task of undergrounding power lines in Very High Fire Hazard Severity Zones squarely on property owners who are proactive, willing and able to foot the bill.

The proposed resolution calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the proposed resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

If adopted, utilities will be incentivized to prioritize undergrounding projects that could potentially save millions of dollars and many lives.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Rony Berdugo, Legislative Representative, Derek Dolfie, Legislative Representative, Caroline Cirrincione, Legislative Policy Analyst
Committees: Environmental Quality; Transportation, Communications, and Public Works

Summary:

This Resolution, in response to intensifying fire seasons and hazards associated with exposed energized utility lines, proposes that the League of California Cities (League) call upon the California Public Utilities Commission (CPUC) to amend the Rule 20A program by expanding the criteria for undergrounding overhead utilities to include projects in Very High Fire Hazard Severity Zones (VHFHSZ). This Resolution also proposes that the League call upon the CPUC to increase utilities' funding allocations for Rule 20A projects.

Background

California Wildfires and Utilities

Over the last several years, the increasing severity and frequency of California's wildfires have prompted state and local governments to seek urgent prevention and mitigation actions. Record breaking wildfires in Northern and Southern California in both 2017 and 2018 have caused destruction and loss of life. This severe fire trend has local officials seeking solutions to combat what is now a year-round fire season exacerbated by years of drought, intense weather patterns, untamed vegetation and global warming.

These conditions create a dangerous catalyst for wildfires caused by utilities as extreme wind and weather events make downed power lines more of a risk. In response to recent catastrophic wildfires, Governor Newsom established a Strike Force tasked with developing a "comprehensive roadmap" to address issues related to wildfires, climate change, and utilities. [The Strike Force report](#) acknowledges that measures to harden the electrical grid are critical to wildfire risk management. A key utility hardening strategy: undergrounding lines in extreme high-fire areas.

Governor Newsom's Wildfire Strike Force program report concludes, "It's not a question of "if" wildfire will strike, but "when."

Very High Fire Hazard Severity Zones

This Resolution seeks to expand the undergrounding of overhead utility lines in VHFHSZ. California [Government Code Section 51178](#) requires the Director of the California Department of Forestry and Fire Protection (CalFIRE) to identify areas in the state as VHFHSZ based on the potential fire hazard in those areas. VHFHSZ are determined based on fuel loading, slope, fire weather, and other relevant factors. These zones are in both local responsibility areas and state responsibility areas. Maps of the statewide and county by county VHFHSZ can be found [here](#).¹

¹ <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>

More than 25 million acres of California wildlands are classified under very high or extreme fire threat. Approximately 25 percent of the state's population, 11 million people, live in those high-risk areas. Additionally, over 350,000 Californians live in cities that are nearly encompassed within Cal Fire's maps of VHFHSZ. Similar to the proponents of this Resolution, City of Rancho Palos Verdes, over 75 communities have 90 percent or more of residents living in a VHFHSZ.

CPUC Rule 20 Program

The CPUC's Rule 20 program lays out the guidelines and procedures for converting overhead electric and telecommunication facilities to underground electric facilities. Rule 20 funding and criteria is provided at four levels. Levels A, B, and C, reflect progressively diminishing ratepayer funding for undergrounding projects. Recently added Rule 20D is a relatively new program that is specific to San Diego Gas and Electric (SDG&E), which was created in response to the destructive 2007 wildfires. Each of these levels will be discussed below:

Rule 20A

The first California overhead conversion program, Rule 20A, was created in 1967 under then Governor Ronald Reagan. The program was created to provide a consistent and structured means of undergrounding utility lines throughout the state with costs covered broadly by utility ratepayers.

Each year, Investor Owned Utilities (IOUs) propose their Rule 20A allocation amounts to the CPUC during annual general rate case proceedings. In this process, IOUs propose revised utility customer rates based on expected service costs, new energy procurement and projects for the following year, including Rule 20 allocations. The CPUC then reviews, amends, and approves IOU rates. Currently, the cumulative budgeted amount for Rule 20A for Pacific Gas and Electric (PG&E), Southern California Edison (SCE), and San Diego Gas and Electric (SDG&E) totals around \$95.7 million.

The funding set aside by IOUs for Rule 20A is allocated to local governments through a credit system, with each credit holding a value to be used solely for the costs of an undergrounding project. The credit system was created so that local governments and IOUs can complete undergrounding projects without municipal financing. Through Rule 20A, municipalities that have developed and received city council approval for an undergrounding plan receive annual credits from the IOU in their service area. At the last count by the CPUC, over 500 local governments (cities and counties) participate in the credit system.

While these credits have no inherent monetary value, they can be traded in or banked for the conversion of overhead lines. Municipalities can choose to accumulate their credits until their credit balance is sufficient to cover these conversion projects, or choose to borrow future undergrounding allocations for a period of up to five years. Once the cumulative balance of credits is sufficient to cover the cost of a conversion project, the municipality and the utility can move forward with the undergrounding. All of the planning, design, and construction is performed by the participating utility. Upon the completion of an undergrounding project, the utility is compensated through the local government's Rule 20A credits.

At the outset of the program, the amount of allocated credits were determined by a formula which factored in the number of utility meters within a municipality in comparison to the utilities' service territory. However, in recent years the formula has changed. Credit allocations for IOUs, except for PG&E, are now determined based on the allocation a city or county received in 1990 and is then adjusted for the following factors:

- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of overhead meters in any city or unincorporated area to the total system overhead meters; and
- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of meters (which includes older homes that have overhead services, and newer homes with completely underground services) in any city or the unincorporated area to the total system meters.

As noted, PG&E has a different funding formula for their Rule 20A credit allocations as they are not tied to the 1990 base allocation. Prior to 2011, PG&E was allocating approximately five to six percent of its revenue to the Rule 20A program. The CPUC decided in 2011 that PG&E's Rule 20A allocations should be reduced by almost half in an effort to decrease the growing accumulation of credits amongst local governments. Since 2011, PG&E's annual allocations for Rule 20A have been around \$41.3 million annually, which is between two and three percent of their total revenue.

Criteria for Rule 20A Projects

For an undergrounding project to qualify for the Rule 20A program, there are several criteria that need to be met. The project must have a public benefit and:

1. Eliminate an unusually heavy concentration of overhead lines
2. Involve a street or road with a high volume of public traffic
3. Benefit a civic or public recreation area or area of unusual scenic interest,
4. Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines

Notably, fire safety is excluded from the list of criteria that favors aesthetic and other public safety projects.

Rule 20A Credit System Imbalance Threatens Program Effectiveness

Allocations are made by utilities each year for Rule 20A credits. These current budget allocations total \$95.7 million a year. Currently, the cumulative balance of credits throughout the state totals over \$1 billion dollars. The Rule 20A cumulative balances aggregated by region can be found [here](#).²

² Program Review, California Overhead Conversion Program, Rule 20A for Years 2011-2015, "The Billion Dollar Risk," California Public Utilities Commission.

[https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_\(2014_forward\)\(1\)/PPD_Rule_20-A.pdf](https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_(2014_forward)(1)/PPD_Rule_20-A.pdf)

Note: The existing credit allocation formulas do not consider a municipality's need or plans for overhead conversion projects, resulting in large credit balances in some jurisdictions.

Cities and counties are, however, able to trade or sell unallocated Rule 20A credits if they will not be used to fund local undergrounding projects. There have been several cases where one agency has sold their unused credits, often for less than the full dollar value of the credits themselves to another agency.

Rule 20B

Rule 20B projects are those that do not fit the Rule 20A criteria, but do, however, involve both sides of the street for at least 600 feet. These projects are typically done in conjunction with larger developments and are mostly paid for by the developer or applicant. Additionally, the applicant is responsible for the installation.

Rule 20C

Rule 20C projects are usually small projects that involve property owners. The majority of the cost is usually borne by the applicants. Rule 20C applies when the project does not qualify for either Rule 20A or Rule 20B.

Rule 20D--Wildfire Mitigation Undergrounding Program

Rule 20D was approved by the CPUC in January of 2014 and only applies to SDG&E. The Rule 20D program was established largely in response to the destructive wildfires that occurred in San Diego in 2007 as a wildfire mitigation undergrounding program. According to SDG&E, the objective of the Rule 20D undergrounding is exclusively for fire hardening as opposed to aesthetics. The program is limited in scope and is restricted to communities in SDG&E's Fire Threat Zone (now referred to as the [High Fire Threat District or HFTD](#)). As of this time, the program has yet to yield any projects and no projects are currently planned.

For an undergrounding project to qualify for the Rule 20D program, a minimum of three of the following criteria must be met. The project must be near, within, or impactful to:

- Critical electric infrastructure
- Remaining useful life of electric infrastructure
- Exposure to vegetation or tree contact
- Density and proximity of fuel
- Critical surrounding non-electric assets (including structures and sensitive environmental areas)
- Service to public agencies
- Accessibility for firefighters

Similar to Rule 20A, SDG&E must allocate funding each year through their general rate case proceedings to Rule 20D to be approved by the CPUC. This funding is separate from the allocations SDG&E makes for Rule 20A. However, the process of distributing this funding to localities is different. The amount of funding allocated to each city and county for Rule 20D is based on the ratio of the number of miles of overhead lines in SDG&E Fire Threat Zones in a city or county to the total miles of SDG&E overhead lines in the entire SDG&E fire zone. The

Rule 20D program is administered by the utility consistent with the existing reporting, engineering, accounting, and management practices for Rule 20A.

The Committee may want to consider whether Rule 20D should instead be expanded, adapted, or further utilized to support funding for overhead conversions within VHFHSZ throughout the state.

Fiscal Impact:

The costs to the State associated with this Resolution will be related to the staff and programmatic costs to the CPUC to take the necessary measures to consider and adopt changes to Rule 20A to include projects in VHFHSZ to the list of criteria for eligibility.

This Resolution calls for an unspecified increase in funding for Rule 20A projects, inferring that portions of increased funds will go towards newly eligible high fire hazard zones. While the Resolution does not request a specific amount be allocated, it can be assumed that these increased costs will be supported by utility ratepayers. According to the CPUC, the annual allocations towards Rule 20A are \$95.7 million.

The CPUC currently reports a cumulative credit surplus valued at roughly \$1 billion that in various regions, given the approval of expanded eligibility called for by this Resolution, could be used to supplement and reduce the level of new dollars needed to make a significant impact in VHFHSZ. The CPUC follows that overhead conversion projects range from \$93,000 per mile for rural construction to \$5 million per mile for urban construction.

The Resolution states that “California is experiencing fire seasons of worsening severity” which is supported by not only the tremendous loss of property and life from recent wildfires, but also in the rising costs associated with clean up, recovery, and other economic losses with high estimates in the hundreds of billions of dollars.

The Committee may wish to consider the costs associated with undergrounding utility lines in relation to the costs associated with past wildfires and wildfires to come.

Comments:

CPUC Currently Exploring Revisions to Rule 20

In May 2017, the CPUC issued an Order Instituting Rulemaking to Consider Revisions to Electric Rule 20 and Related Matters. The CPUC will primarily focus on revisions to Rule 20A but may make conforming changes to other parts of Rule 20. The League is a party in these proceedings will provide comments.

Beyond Rule 20A: Additional Options for Funding Undergrounding Projects

There are various ways in which cities can generate funding for undergrounding projects that fall outside of the scope of Rule 20A. At the local level, cities can choose to forgo the Rule 20A process and opt to use their own General Fund money for undergrounding. Other options are also discussed below:

Rule 20D Expansion

The City of Berkeley in a 2018 study titled [“Conceptual Study for Undergrounding Utility Wires in Berkeley.”](#) found that the city could possibly qualify for Rule 20D funding if they actively pursued this opportunity in partnership with PG&E and the CPUC.

One of the study’s recommendations is to advocate for release of 20D funds (now earmarked exclusively for SDG&E) to be used for more aggressive fire hardening techniques for above-ground utility poles and equipment, for undergrounding power lines, and for more aggressive utility pole and vegetation management practices in the Very High Hazard Fire Zone within Berkeley’s city limits.

As an alternative to changing the criteria for Rule 20A, the Committee may wish to consider whether there is the opportunity to advocate for the expansion of Rule 20D funding more broadly, expanding its reach to all IOU territories.

Franchise Surcharge Fees

Aside from Rule 20 allocations, cities can generate funding for undergrounding through franchise fee surcharges. For example, SDG&E currently operates under a 50-year City franchise that was granted in 1970. Under the franchises approved by the San Diego City Council in December 1970, SDG&E agreed to pay a franchise fee to the City equivalent to 3% of its gross receipts from the sales of both natural gas and electricity for 30 years.

These fees were renegotiated in 2000 and in 2001 an agreement was between the City of San Diego, SDG&E, and the CPUC to extend the existing franchise fee to include revenues collected from surcharges. SDG&E requested an increase of 3.88% to its existing electric franchise fee surcharge. The bulk, 3.53% of this increase is to be used for underground conversion of overhead electric wires.

Based on SDG&E's revenue projections, the increase would result in an additional surcharge revenue amount of approximately \$36.5 million per year. SDG&E estimates that this would create a monthly increase of approximately \$3.00 to a typical residential customer's electric bill. These surcharge revenues would pay for additional undergrounding projects including those that do not meet the Rule 20A criteria. The City of Santa Barbara has also adopted a similar franchise surcharge fee.

Having this funding source allows the City of San Diego to underground significantly more miles of above ground utility lines than other municipalities. However, the surcharge is currently being challenged in court, as it is argued that the City had SDG&E impose a tax without a ballot measure.

Utility Bankruptcy and Undergrounding Funding

In considering this Resolution, it is important to understand that Rule 20A allocations have been more substantial in the past. As mentioned earlier, prior to 2011, PG&E was allocating approximately 5% to 6% of its revenue to the Rule 20A program. Therefore, it is not unreasonable to encourage an increase in Rule 20A allocations as history shows that utilities had the capacity to do so in the past.

However, in a time where IOUs such as PG&E are facing bankruptcy as the result of utility caused wildfires, there is the possibility that expanding rule 20A funding will generate more costs for the ratepayers.

Questions to Consider:

- 1) Is Rule 20A or Rule 20D the more appropriate program to advocate for such an expansion?
- 2) Are there any wildfire risks outside of VHFHSZ that could be mitigated by undergrounding projects?

Existing League Policy:

Public Safety:

The League supports additional funding for local agencies to recoup the costs associated with fire safety in the community and timely mutual aid reimbursement for disaster response services in other jurisdictions. (pg. 43)

The League supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc., as well as cities' authority and discretion to provide all emergency services to their communities. (pg. 43)

Transportation, Communication, and Public Works:

Existing telecommunications providers and new entrants shall adhere to local city policies on public utility undergrounding. (pg. 54)

The League supports protecting the additional funding for local transportation and other critical unmet infrastructure needs. (pg. 51)

The League supports innovative strategies including public private partnerships at the state and local levels to enhance public works funding. (pg. 52)

Environmental Quality

The League opposes any legislation that interferes with local utility rate setting authority and opposes any legislation that restricts the ability of a city to transfer revenue from a utility (or other enterprise activity) to the city's general fund. (pg. 9)

Cities should continue to have the authority to issue franchises and any program should be at least revenue neutral relative to revenue currently received from franchises. (pg. 9)

The League is concerned about the impacts of escalating energy prices on low income residents and small businesses. The League supports energy pricing structures and other mechanisms to soften the impacts on this segment of our community. (pg. 10)

2019 Strategic Goals

Improve Disaster Preparedness, Recovery and Climate Resiliency.

- Provide resources to cities and expand partnerships to better prepare for and recover from wildfires, seismic events, erosion, mudslides and other disasters.
- Improve community preparedness and resiliency to respond to climate-related, natural and man-made disasters.

Support:

The following letters of concurrence were received:

The City of Hidden Hills

The City of La Cañada Flintridge

The City of Laguna Beach

The City of Lakeport

The City of Malibu

The City of Moorpark

The City of Nevada City

The City of Palos Verdes Estates

The City of Rolling Hills Estates

The City of Rolling Hills

The City of Ventura

LETTERS OF CONCURRENCE

Resolution No. 1

Amendment to Rule 20A



City of Hidden Hills

6165 Spring Valley Road * Hidden Hills, California 91302
(818) 888-9281 * Fax (818) 719-0083

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

Dear President Arbuckle:

The City of Hidden Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Larry G. Weber
Mayor



City Council
Leonard Pieroni, Mayor
Gregory C. Brown, Mayor Pro Tem
Jonathan C. Curtis
Michael T. Davitt
Terry M. Walker

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of La Cañada Flintridge supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The City of La Cañada Flintridge is one of the few Southern California cities in which 100% of the community within a Very High Fire Hazard Severity Zone. The City, in 1987, committed 100% of its 20A allocation for forty-five years from this year for a major downtown undergrounding project. Therefore, the only way our City can directly benefit from this Resolution is if there is an additional annual increased allocation for this purpose. Due to the extreme threat the City experienced at the time of the Station Fire, the City is keenly aware of the damage a fire may potentially cause, whether from utility issues or from natural causes. The City strongly supports any effort, including this Resolution, to reduce fire danger for the City's residents.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly with the City of La Cañada Flintridge in support.

Sincerely,

A handwritten signature in black ink, appearing to read "Leonard Pieroni", is written over a light blue horizontal line.

Leonard Pieroni
Mayor



July 25, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Laguna Beach supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. Ten to the Top 20 most destructive fires in California were caused by electrical sources. The California's Rule 20A program, which allows local governments to pay for undergrounding of utilities costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it. We also believe that this program should redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. The City of Laguna Beach recommends that the resolution also be amended to call on the CPUC to redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

Nearly 90% of the City of Laguna Beach land area is designated under State Law and local ordinance as Very High Fire Hazard Severity Zone. While the City has used Rule 20A and 20B funding in the past to underground more than half of its overhead utilities, sufficient funding is not available to underground the remaining parts of the City.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.



July 25, 2019
Page 2

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bob Whalen", with a stylized, cursive script.

Bob Whalen
Mayor

CITY OF LAKEPORT

*Over 125 years of community
pride, progress and service*



August 7, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Lakeport supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Tim Barnes
Mayor
City of Lakeport



City of Malibu

Jefferson Wagner, Mayor

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

RE: City of Rancho Palos Verdes Proposed Resolution to Amend California Public Utilities Commission Rule 20A – SUPPORT

Dear Ms. Arbuckle:

At its Regular meeting on August 12, 2019, the Malibu City Council unanimously voted to support the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state, but California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, as well as willing and able to foot the bill. The City of Malibu agrees with Rancho Palos Verdes that Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. As a recent series of news stories on wildfire preparedness in California pointed out, there are more than 75 communities across the state with populations over 1,000, including Rancho Palos Verdes and Malibu, where at least 90 percent of residents live in a Cal Fire-designated Very High Fire Hazard Severity Zone.

It is well-known that electric utility equipment is a common fire source, and has sparked some of the most destructive blazes in our state's history. Moving power lines underground is, therefore, a critical tool in preventing them. Currently, Rule 20A primarily addresses visual blight, but with fire seasons worsening, it is key that fire safety also be considered when local governments pursue Rule 20A projects, and that annual funding allocations for the program be expanded.


It is worth noting that the State does have a program, Rule 20D, that factors in fire safety for funding undergrounding projects. However, this is limited to San Diego Gas & Electric Company projects in certain areas only. This needs to be expanded to include projects in all projects within designated Very High Fire Hazard Severity Zones.

Rancho PV League Resolution
Amend Rule 20A
August 15, 2019
Page 2 of 2

The proposed resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, the City of Malibu strongly concurs that the resolution should go before the General Assembly.

Sincerely,



Jefferson Wagner
Mayor

Cc: Honorable Members of the Malibu City Council
Reva Feldman, City Manager
Megan Barnes, City of Rancho Palos Verdes, mbarnes@rpvca.gov



CITY OF MOORPARK

799 Moorpark Avenue, Moorpark, California 93021
Main City Phone Number (805) 517-6200 | Fax (805) 532-2205 | moorpark@moorparkca.gov

July 24, 2019

SUBMITTED ELECTRONICALLY

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

RE: SUPPORT FOR RANCHO PALOS VERDES RESOLUTION RE: POWER LINE
UNDERGROUNDING

Dear President Arbuckle:

The City of Moorpark supports the City of Rancho Palos Verdes effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

All cities in Ventura County, including Moorpark, have wildfire prevention fresh in our memories following the highly destructive 2017-2018 Thomas Fire, which was caused by above-ground power lines. The 2018 Woolsey Fire similarly affected Ventura County, and lawsuits have been filed alleging it was also caused by above-ground power lines. Each of these fires caused billions of dollars in damages and highlight the importance of undergrounding power lines.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,



Janice Parvin
Mayor

cc: City Council
City Manager



Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Nevada City supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The City of Nevada City would also like to add that the local agency be given the power to use private firms to do design, inspect and construct Rule 20A projects in local jurisdiction rather than be required to use the designated local utility. In addition, the City of Nevada City wants the CPUC to allow local jurisdictions to transfer excess funds between agencies to better serve projects in high fire hazard severity zones.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Reinette Senum
Mayor
City of Nevada City



CITY OF
Palos Verdes Estates

July 25, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Palos Verdes Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's current Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Mayor Kenneth J. Kao
City of Palos Verdes Estates

cc: PVE City Council
PVE Interim City Manager Petru
RPV City Manager Willmore



**City of
Rolling Hills Estates**

Judith Mitchell
Mayor

Velveth Schmitz
Mayor Pro Tem

Britt Huff
Council Member

Frank V. Zerunyan
Council Member

Steven Zuckerman
Council Member

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Rolling Hills Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,


Judith Mitchell
Mayor



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear Board of Directors:

The City of Rolling Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Leah Mirsch
Mayor



July 29, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Ventura supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Alex D. McIntyre
City Manager

2. A RESOLUTION CALLING UPON THE FEDERAL AND STATE GOVERNMENTS TO ADDRESS THE DEVASTATING IMPACTS OF INTERNATIONAL TRANSBOUNDARY POLLUTION FLOWS INTO THE SOUTHERNMOST REGIONS OF CALIFORNIA AND THE PACIFIC OCEAN

Source: San Diego County Division

Concurrence of five or more cities/city officials

Cities: Calexico; Coronado; Imperial Beach; San Diego

Individual City Officials: City of Brawley: Mayor Pro Tem Norma Kastner-Jauregui; Council Members Sam Couchman, Luke Hamby, and George Nava. City of Escondido: Deputy Mayor Consuelo Martinez. City of La Mesa: Council Member Bill Baber. City of Santee: Mayor John Minto, City of Vista: Mayor Judy Ritter and Council Member Amanda Young Rigby

Referred to: Environmental Quality Policy Committee

WHEREAS, international transboundary rivers that carry water across the border from Mexico into Southern California are a major source of sewage, trash, chemicals, heavy metals and toxins; and

WHEREAS, transboundary flows threaten the health of residents in the United States and Mexico, harm important estuarine land and water of international significance, force closure of beaches, damage farmland, adversely impact the South San Diego County and Imperial County economy; compromise border security, and directly affect U.S. military readiness; and

WHEREAS, a significant amount of untreated sewage, sediment, hazardous chemicals and trash have been entering southern California through both the Tijuana River Watershed (75 percent of which is within Mexico) and New River flowing into southern California's coastal waterways and residential and agricultural communities in Imperial County eventually draining into the Salton Sea since the 1930s; and

WHEREAS, in February 2017, an estimated 143 million gallons of raw sewage flowed into the Tijuana River and ran downstream into the Pacific Ocean and similar cross border flows have caused beach closures at Border Field State Park that include 211 days in 2015; 162 days in 2016; 168 days in 2017; 101 days in 2018; and 187 days to date for 2019 as well as closure of a number of other beaches along the Pacific coastline each of those years; and

WHEREAS, approximately 132 million gallons of raw sewage has discharged into the New River flowing into California through communities in Imperial County, with 122 million gallons of it discharged in a 6-day period in early 2017; and

WHEREAS, the presence of pollution on state and federal public lands is creating unsafe conditions for visitors; these lands are taxpayer supported and intended to be managed for recreation, resource conservation and the enjoyment by the public, and

WHEREAS, the current insufficient and degrading infrastructure in the border zone poses a significant risk to the public health and safety of residents and the environment on both

sides of the border, and places the economic stress on cities that are struggling to mitigate the negative impacts of pollution; and

WHEREAS, the 1944 treaty between the United States and Mexico regarding *Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande* allocates flows on trans-border rivers between Mexico and the United States, and provides that the nations, through their respective sections of the International Boundary Water Commission shall give control of sanitation in cross border flows the highest priority; and

WHEREAS, in 1993, the United States and Mexico entered into the *Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a North American Development Bank* which created the North American Development Bank (NADB) to certify and fund environmental infrastructure projects in border-area communities; and

WHEREAS, public concerns in response to widespread threats to public health and safety, damage to fish and wildlife resources and degradation to California's environment resulting from transboundary river flow pollution in the southernmost regions of the state requires urgent action by the Federal and State governments, and

WHEREAS, Congress authorized funding under the U.S. Environmental Protection Agency's (EPA) Safe Drinking Water Act and established the State and Tribal Assistance Grants (STAG) program for the U.S.-Mexico Border Water Infrastructure Program (BWIP) in 1996 to provide grants for high-priority water, wastewater, and storm-water infrastructure projects within 100 kilometers of the southern border; and

WHEREAS, the EPA administers the STAG and BWIP programs, and coordinates with the North American Development Bank (NADB) to allocate BWIP grant funds to projects in the border zone; and

WHEREAS, since its inception, the BWIP program has provided funding for projects in California, Arizona, New Mexico and Texas that would not have been constructed without the grant program; and

WHEREAS, the BWIP program was initially funded at \$100 million per year, but, over the last 20 years, has been continuously reduced to its current level of \$10 million; and

WHEREAS, in its FY 2020 Budget Request, the Administration proposed to eliminate the BWIP program; and

WHEREAS, officials from EPA Region 9, covering California, have identified a multitude of BWIP-eligible projects along the southern border totaling over \$300 million; and

WHEREAS, without federal partnership through the BWIP program and state support to address pollution, cities that are impacted by transboundary sewage and toxic waste flows are

left with limited resources to address a critical pollution and public health issue and limited legal remedies to address the problem; and

WHEREAS, the National Association of Counties, (NACo) at their Annual Conference on July 15, 2019 and the U.S. Conference of Mayors at their Annual Conference on in July 1, 2019 both enacted resolutions calling on the federal and state governments to work together to fund and address this environmental crisis; and

WHEREAS, local governments and the public support the State's primary objectives in complying with environmental laws including the Clean Water Act, Porter-Cologne Water Quality Control Act, and Endangered Species Act and are supported by substantial public investments at all levels of government to maintain a healthy and sustainable environment for future residents of California, and

WHEREAS, League of California Cities policy has long supported efforts to ensure water quality and oppose contamination of water resources; and

NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding to the U.S- Mexico Border Water Infrastructure Program (BWIP) and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

Background Information on Resolution No. 2

Source: San Diego County Division

Background:

Along California's southern border with Mexico, the New River in Imperial County and the Tijuana River in San Diego County are a major sources of raw sewage, trash, chemicals, heavy metals, and toxins that pollute local communities. Sewage contaminated flows in the Tijuana River have resulted in significant impacts to beach recreation that includes the closure of Border Field State Beach for more than 800 days over the last 5-years. Similarly, contaminated flows in the New River presents comparable hazards, impacts farm land, and contributes to the ongoing crisis in the Salton Sea. These transboundary flows threaten the health of residents in California and Mexico, harms the ecosystem, force closures at beaches, damage farm land, makes people sick, and adversely affects the economy of border communities. The root cause of this cross border pollution is from insufficient or failing water and wastewater infrastructure in the border zone and inadequate federal action to address the problem through existing border programs.

The severity of cross border pollution has continued to increase, due in part to the rapid growth of urban centers since the passage of the North American Free Trade Agreement (NAFTA). While economic growth has contributed to greater employment, the environmental infrastructure of the region has not kept pace, which is why Congress authorized the Border Water Infrastructure Program (BWIP) in 1996. The U.S. Environmental Protection Agency (EPA) administers the BWIP and coordinates with the North American Development Bank (NADB) to provide financing and technical support for projects on both sides of the U.S./Mexico border. Unfortunately, the current BWIP funding at \$10 million per year is only a fraction of the initial program budget that shares funding with the entire 2,000 mile Mexican border with California, Arizona, New Mexico and Texas. EPA officials from Region 9 have identified an immediate need for BWIP projects totaling over \$300 million just for California. Without federal partnerships through the BWIP and state support to address cross border pollution, cities that are impacted by transboundary sewage and toxic waste flows are left with limited resources to address a critical pollution and public health issue.

The International Boundary and Water Commission (IBWC) is another important federal stakeholder that, under the Treaty of 1944 with Mexico, must address border sanitation problems. While IBWC currently captures and treats some of the pollution generated in Mexico, it also redirects cross border flows without treatment directly into California.

Improving environmental and public health conditions for communities along the border is essential for maintaining strong border economy with Mexico. The IBWC, EPA, and NADB are the important federal partners with existing bi-national programs that are able to immediately implement solutions on cross border pollution. California is in a unique position to take the lead and work with local and federal partners to implement real solutions that will addresses the long standing and escalating water quality crisis along the border.

For those reasons, the cities of Imperial Beach and Coronado requested the San Diego County Division to propose a resolution at the 2019 League Annual Conference calling upon the federal

and state governments to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California, San Diego and Imperial Counties and the Pacific Ocean.

On August 12, 2019 at the regularly scheduled meeting of the San Diego County Division, the membership unanimously endorsed submittal of the resolution, with close to 75% membership present and voting.

The Imperial County Division does not have a scheduled meeting until after the deadline to submit proposed resolutions. However, the City of Calexico, which is most directly impacted by initial pollution flow of the New River from Mexicali, sent a letter in concurrence of this resolution as well as numerous city officials from cities within Imperial County and the Imperial County Board of Supervisors. The League Imperial County Division will place a vote to support this resolution on the agenda of their September 26, 2019 meeting.

League of California Cities Staff Analysis on Resolution No. 2

Staff: Derek Dolfie, Legislative Representative
Carly Shelby, Legislative and Policy Development Assistant
Committees: Environmental Quality

Summary:

This Resolution states that the League of California Cities should call upon the State and Federal governments to restore and ensure proper funding for the U.S. – Mexico Border Water Infrastructure Program (BWIP) and work bi-nationally to address water quality issues resulting from transboundary flows from Mexico’s Tijuana River into the United States containing untreated sewage, polluted sediment, and trash.

Background:

The League of California Cities’ San Diego County Division is sponsoring this resolution to address their concerns over the contaminated flows from the Tijuana River into California that have resulted in the degradation of water quality and water recreational areas in Southern California.

The Tijuana River flows north through highly urbanized areas in Mexico before it enters the Tijuana River Estuary and eventually the Pacific Ocean via waterways in San Diego County in California. Urban growth in Tijuana has contributed to a rise in rates of upstream flows from water treatment facilities in Mexico. These treatment facilities have raised the amount of untreated sewage and waste in the Tijuana River due to faulty infrastructure and improper maintenance. The federal government refers to the river as an “impaired water body” because of the presence of pollutants in excess, which pose significant health risks to residents and visitors in communities on both sides of the border.

Federal Efforts to Address Pollution Crisis

To remedy the Tijuana River’s low water quality, the United States and Mexico entered into a Treaty in 1944 entitled: *Utilization of Waters of the Colorado River and Tijuana Rivers and of the Rio Grande – the International Boundary and Water Commission (IBWC)*. The IBWC was designed to consist of a United States section and a Mexico section. Both sections were tasked with negotiating and implementing resolutions to address water pollution in the area, which includes overseeing the development of water treatment and diversion infrastructure.

After the formation of the IBWC, the U.S. and Mexico entered into a treaty in 1993 entitled: *Agreement Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank*. This agreement established the North American Development Bank (NADB), which certifies and funds infrastructure projects located within 100 kilometers (62 miles) of the border line. The NADB supports federal programs like the Border Water Infrastructure Program (BWIP), which was initially funded at \$100 million, annually.

The degradation of existing water treatment infrastructure along the border coincides with the federal government’s defunding of the BWIP, which has steadily decreased from \$100 million in 1996 to \$10 million today. The Federal FY 2020 Budget proposes eliminating BWIP funding

altogether. EPA's regions 6 and 9 (includes U.S. states that border Mexico) have identified a number of eligible projects that address public health and environmental conditions along the border totaling \$340 million.

The NADB has funded the development of water infrastructure in both the U.S. and Mexico. Water diversion and treatment infrastructure along the U.S – Mexico border includes, but is not limited to, the following facilities:

- *The South Bay International Wastewater Treatment Plant (SBIWTP)*. This facility was constructed by the U.S. in 1990 and is located on the California side of the border and is operated under the jurisdiction of the IBWC. The SBIWTP serves as a diversion and treatment sewage plant to address the flow of untreated sewage from Mexico into the United States.
- *Pump Station CILA*. CILA was constructed by Mexico in 1991 and is located along the border in Mexico. This facility serves as the SBIWTP's Mexican counterpart.

Both the SBIWTP and CILA facilities have had a multitude of overflows containing untreated sewage and toxic waste that spills into the Tijuana River. The cause of overflows can be attributed to flows exceeding the maximum capacity that the infrastructure can accommodate (this is exacerbated during wet and rainy seasons) and failure to properly operate and maintain the facilities. Much of the existing infrastructure has not had updates or repairs for decades, causing overflows to become more frequent and severe. The most notable overflow occurred in February 2017, wherein 143 million gallons of polluting waste discharged into the Tijuana River; affecting the Tijuana Estuary, the Pacific Ocean, and Southern California's waterways.

State Actions

In response to the February 2017 overflow, the San Diego Water Board's Executive Officer sent a letter to the U.S. and Mexican IBWC Commissioners which included recommendations on how to improve existing infrastructure and communications methods between both nations.

In September of 2018, California Attorney General Xavier Becerra submitted a lawsuit against IBWC for Violating the Clean Water Act by allowing flows containing sewage and toxic waste to flow into California's waterways, posing a public health and ecological crisis. The cities of Imperial Beach, San Diego, Chula Vista, the Port of San Diego, and the San Diego Regional Water Quality Board have also filed suit against the IBWC. The suit is awaiting its first settlement conference on October 19, 2019. If parties are unable to reach a settlement, the case will go to trial.

Fiscal Impact:

California's economy is currently the sixth largest in the world, with tourism spending topping \$140.6 billion in 2018. In the past five years, San Diego's Border Field State Park has been closed for over 800 days because of pollution from the Tijuana River. A decline in the State's beach quality and reputation could carry macroeconomic effects that could ripple outside of the San Diego County region and affect coastal communities throughout California.

Existing League Policy

The League of California Cities has extensive language on water in its Summary of Existing Policy and Guiding Principles. Fundamentally, the League recognizes that beneficial water quality is essential to the health and welfare of California and all of its citizens. Additionally, the League advocates for local, state and federal governments to work cooperatively to ensure that water quality is maintained.

The following policy relates to the issue of water quality:

- Surface and groundwater should be protected from contamination.
- Requirements for wastewater discharge into surface water and groundwater to safeguard public health and protect beneficial uses should be supported.
- When addressing contamination in a water body, water boards should place priority emphasis on clean-up strategies targeting sources of pollution, rather than in stream or end-of-pipe treatment.
- Water development projects must be economically, environmentally and scientifically sound.
- The viability of rivers and streams for instream uses such as fishery habitat, recreation and aesthetics must be protected.
- Protection, maintenance, and restoration of fish and wildlife habitat and resources.

Click here to view the [Summary of Existing Policy and Guiding Principles 2018](#).

Comments:

1. Water quality issues are prevalent across California and have been a constant priority of the State's legislature and residents. In 2014, California's voters approved Proposition 1, which authorized \$7.5 billion in general obligation bonds to fund water quality improvement projects. In 2019, the Legislature reached an agreement to allocate \$130 million from the State's Greenhouse Gas Reduction Fund (GGRF) to address failing water infrastructure and bad water qualities for over one million of California's residents in rural communities. Water quality is not an issue unique to the County of San Diego and communities along the border.
2. Tijuana River cross-border pollution has caught national attention. Members of Congress have proposed recent funding solutions to address the pollution crisis, including:
 - In February of 2019, California Congressional Representatives Vargas, Peters, and Davis helped secure \$15 million for the EPA to use as part of its BWIP.
 - *H.R. 3895 (Vargas, Peters, 2019), The North American Development Bank Pollution Solution Act*. This bill seeks to support pollution mitigation efforts along the border by increasing the NADB's capital by \$1.5 billion.
 - *H.R. 4039 (Levin, 2019), The Border Water Infrastructure Improvement Act*. This bill proposes increasing funding to the BWIP from the existing \$10 million to \$150 million as a continuous appropriation until 2025.Additionally, the National Association of Counties (NACo) and the U.S. Conference of Mayors enacted resolutions in support of increased funding for U.S. – Mexico border water infrastructure to address the environmental crisis in 2019.

3. The border pollution problem has sparked action from local, state, and federal actors. Should this resolution be adopted, League membership should be aware that future action will be adapted by what is explicitly stated in the resolution's language. In current form, the resolution's resolve clause cites the BWIP as the only program that should receive reinstated and proper funding. League staff recommends the language be modified to state:

“NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding for environmental infrastructure on the U.S. – Mexico Border, including to the U.S.–Mexico Border Water Infrastructure Program (BWIP), and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.”

Modifying the language would ensure enough flexibility for the League to support funding mechanisms outside of the prescribed federally-operated BWIP.

4. It remains unclear if there is an appetite in Washington to fund border-related infrastructure projects that address environmental quality. Given the high probability of another overflow containing waste and sewage from the existing infrastructure operated by the IBWC, League membership should consider the outcome if no resolution is reached to address the issue.

Support:

The following letters of concurrence were received:

Cities:

The City of Calexico

The City of Coronado

The City of Imperial Beach

The City of San Diego

In their individual capacity:

Amanda Young Rigby, City of Vista Council Member

Bill Baber, City of La Mesa Council Member

Consuelo Martinez, City of Escondido Deputy Mayor

George A. Nava, City of Brawley Council Member

John Minto, City of Santee Mayor

Judy Ritter, City of Vista Mayor

Luke Hamby, City of Brawley Council Member

Norma Kastner-Jauregui, City of Brawley Mayor Pro-Tempore

Sam Couchman, City of Brawley Council Member

LETTERS OF CONCURRENCE

Resolution No. 2

International Transboundary
Pollution Flows



CITY OF CALEXICO

608 Heber Ave.
Calexico, CA 92231-2840
Tel: 760.768.2110
Fax: 760.768.2103
www.calexico.ca.gov

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: Environmental and Water Quality Impacts Of International Transboundary River
Pollution Flow Resolution**

President Arbuckle:

The city of Calexico strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue.

Viva Calexico!

If you have any questions or require additional information, please do not hesitate to contact me at 760/768-2110.

Sincerely,

CITY OF CALEXICO

A handwritten signature in blue ink that reads "David Dale". The signature is written in a cursive, flowing style.

David Dale
City Manager

Cc: Honorable Mayor Bill Hodge

Viva Calexico!



CITY OF CORONADO

1825 STRAND WAY
CORONADO, CA 92118

OFFICE OF THE CITY MANAGER
(619) 522-7335
FAX (619) 522-7846

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts of International Transboundary River Pollution Flows Resolution

This letter is written on behalf of and with the support of the Coronado City Council. The City of Coronado wholeheartedly supports the resolution adopted by the San Diego County and Imperial County Division of the California League of Cities.

The San Diego County Division's resolution calls upon the federal and state governments to restore and ensure proper funding of the U.S.-Mexico Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

The City has been working closely with the Environmental Protection Agency and other federal partners on the matter since early 2018. City leaders are committed to finding long-term, sustainable solutions to this problem. Through its advocacy and education efforts, the City of Coronado has raised national awareness of the problem among legislators, political appointees and career staff at federal agencies. These efforts have been successful. However, the City along with our coalition partners, look forward to more action to swiftly resolve this issue.

Local government and the public support the state's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, Coronado values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact me if you have any questions.

Sincerely,



Blair King
Coronado City Manager

cc: Coronado Mayor and City Council
Bill Baber, President, San Diego County Division
c/o Catherine Hill, Regional Public Affairs Manager, San Diego County Division chill@cacities.org



City of Imperial Beach, California

OFFICE OF THE CITY MANAGER

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K St. Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River
Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach appreciates and supports the San Diego County Division's effort to submit a resolution for consideration by the full membership of the League of California Cities.

The Division's resolution calls on Federal and State government to address the impacts of transboundary pollution flows into the Southwestern regions of California. The pollution in these areas is an environmental disaster that threatens the health and general welfare of residents near the Mexican border in Imperial and San Diego Counties.

I encourage all voting delegates and elected officials in attendance at the 2019 Annual League of California Cities Conference in Long Beach to support this important resolution as it addresses the critical need for the federal and state government to recommit to work bi-nationally to address the serious contamination issues and to develop and implement long-term solutions.

I am available for any questions or additional information related to this letter of support.

Sincerely,

Andy Hall
City Manger

Cc: Honorable Mayor Serge Dedina
Honorable Mayor Pro Tem Robert Patton
Honorable Councilmember Paloma Aguirre
Honorable Councilmember Ed Spriggs
Honorable Councilmember Mark West



City of Imperial Beach, California

OFFICE OF THE MAYOR

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. If you have any questions or require additional information, please do not hesitate to contact me at 619-423-8303.

Sincerely,

Serge Dedina
Mayor



THE CITY OF SAN DIEGO

KEVIN L. FAULCONER

Mayor

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: Environmental and Water Quality Impacts of International Transboundary River
Pollution Flow Resolution**

President Arbuckle:

The City of San Diego supports the San Diego County Division in their effort to submit a resolution to the General Assembly at the League of California Cities' 2019 Annual Conference in Long Beach.

To suppress the flow of pollution between the Mexico and Southern California's water channels, the Division requests for the Federal and State governments to give proper funding to the Border Water Infrastructure Program (BWIP).

The City of San Diego and its citizens have expressed their concerns about untreated sewage, polluted sediment and trash flowing from Mexico, into California, causing health, environmental and safety concerns. The State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. With the Division's resolution, the great need for federal and state governments to reconsider working together, will help in developing a long-term solution to address serious water quality and contamination issues.

As members of the League, our City values the policy development process provided to the General Assembly. We appreciate your time on this issue.

Please contact me at (619)453-9946 if you have any questions.

Sincerely,

Denice Garcia
Director of International Affairs

Cc: Honorable Mayor Kevin L. Faulconer





AMANDA YOUNG RIGBY

CITY COUNCILWOMAN

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Re: Border Sewage Issues

Dear President Arbuckle;

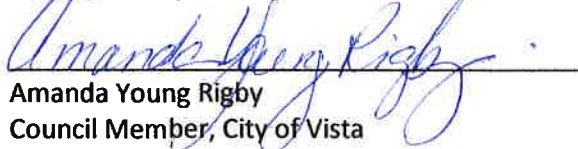
As a Council Member in the City of Vista, and solely in my individual capacity as such, I write in **support** of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the constant sewage pollution issues at the international border with Mexico.

This Resolution requests that the federal and state governments recognize the paramount importance of this issue and address the devastating impacts that this constant contamination has on the southernmost regions of California and the Pacific coastline by requesting the necessary funding to develop and implement effective and long term solutions to the raw sewage contamination coming into San Diego and Imperial Counties from Mexico.

Although I have lived in Vista for 27 years now, I grew up in Imperial Beach and know well the severe health and environmental impact that this situation has had on our border communities for the **decades**.

As a member of the League, I value the League's ability to effectively advocate on behalf of not only our cities but in effect, our citizens, and this is an important issue for our entire state. Should you have any questions or comments, please contact me at the number below. Thank you for your consideration.

Most Sincerely,


Amanda Young Rigby
Council Member, City of Vista

cc: Vista City Council
Vista City Manager
Vista City Attorney
City of Imperial Beach
City of Coronado
City of Calexico
City of San Diego



**CITY OF
LA MESA**
JEWEL of the HILLS

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flows Resolution

President Arbuckle:

As a Council Member for the City of La Mesa and in my individual capacity, not on behalf of the full La Mesa City Council as a body or the City, I am writing you in support of the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

As San Diego County Division President and a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at 619-667-1106, should you have any questions.

Sincerely,

BILL BABER
COUNCIL MEMBER CITY OF LA MESA
PRESIDENT, LEAGUE SAN DIEGO COUNTY DIVISION



Consuelo Martinez, Deputy Mayor
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4638

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the city of Escondido, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at cmartinez@escondido.org if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Martinez", written over a horizontal line.

Consuelo Martinez
Deputy Mayor

cc: Honorable Mayor and City Council Members
Jeffrey R. Epp, City Manager



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

George A. Nava
City Council Member
City of Brawley

MAYOR
John W. Minto



CITY OF SANTEE

CITY COUNCIL
Ron Hall
Stephen Houlahan
Laura Koval
Rob McNelis

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Santee, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (JMinto@cityofsantee.ca.gov) if you have any questions.

Sincerely,

JOHN W. MINTO
Mayor
City of Santee



JUDY RITTER

MAYOR

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Vista, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at jritter@cityofvista.com if you have any questions.

Sincerely,

Judy Ritter
Mayor
City of Vista



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Luke Hamby
City Council Member
City of Brawley



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Norma Kastner-Jauregui
Mayor Pro-Tempore
City of Brawley



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

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As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Sam Couchman
City Council Member
City of Brawley



CITY COUNCIL REPORT

7E

DATE: SEPTEMBER 17, 2019

TO: MAYOR AND COUNCIL MEMBERS

FROM: TAMARA MILLER, DEVELOPMENT SERVICES DIRECTOR/CITY ENGINEER

SUBJECT: APPROVE AN AMENDMENT TO THE CONTRACT AND ISSUE A TASK ORDER FOR CSG FOR STAFF AUGMENTATION FOR AN INTERIM PLANNING MANAGER AND BUILDING INSPECTOR IN AN AMOUNT NOT TO EXCEED \$151,000

RECOMMENDATION

It is recommended that the City Council approve a resolution to:

1. Authorize the City Manager to execute an amendment to the On-Call contract with CSG for a Task Order for staff augmentation in an amount not to exceed \$151,000; and
2. Authorize the Finance Director to amend the adopted budget to re-allocate \$110,000 from salaries and benefits to professional services in Fund 212, in Budget Units 461 and 462.

BACKGROUND

We have been and expect to continue to experience a lot of activity in the Building and Planning divisions of the Development Services Department. To be able to deliver service to the development community and home owners, it is necessary for the City to continue to augment staff with both a Building Inspector and an Interim Planning Manager.

On November 13, 2018, the City Council approved Resolution No. 2018-101 approving on-call contract services for a number of consulting firms. M-Group, 4Leaf, CSG, and Safebuilt are firms on the on call list able to provide these services. The City has most recently been utilizing the services of CSG for Building Inspector contract staffing while continuing to recruit for the budgeted position. The current recruitment closes on September 26th.

The first round of recruiting to fill the Planning Manager vacancy was unsuccessful. Avery and Associates is working on a second recruitment to find the City a qualified member for our team. We had a Task Order with 4Leaf for an Interim Planning Manager. The Task Order with 4Leaf was to provide a Planning Manager for 16 weeks,

from late March to mid July. Dan Hortert has fulfilled the contract obligation and is now assigned to another city.

REVIEW & ANALYSIS

We need to augment our staffing for the Planning Manager position. It is a vital position within Development Services. Additionally, the Planning Manager position oversees the Code Enforcement Division, which Council has increased funding and performance expectations for in the FY 19/20 budget. At this time CSG is able to provide an Interim Planning Manager for 3 days a week.

FISCAL IMPACT

To provide the funding necessary to cover this task order, \$151,000 will need to be allocated within the Planning/Building Fund 212. \$63,000 will be for the Interim Planning Manager 3 days a week through mid December, and \$88,000 will be for the Building Inspector through the end of December.

It is recommended to re-allocate \$110,000 in funds from salaries and benefits to professional services, \$40,000 in 461, Planning, and \$70,000 in 462, Building. The remainder of the required funding is already budgeted in the Professional Services line item.

ATTACHMENTS

- A. Resolution
- B. CSG Contract Amendment Task Order

RESOLUTION NO. 2019-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE,
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA,
APPROVING AN AMENDMENT TO THE ON CALL CONTRACT WITH
CSG ISSUING A TASK ORDER FOR INTERIM PLANNING MANAGER AND
BUILDING INSPECTOR IN AN AMOUNT NOT TO EXCEED TO \$151,000**

WHEREAS, the City has utilized CSG for many years for a myriad of services including construction plan check services, fire plan check, and building inspection services;

WHEREAS, in November 13, 2018, the City Council approved several on-call contracts which included CSG for a period of four (4) years ending November 13, 2022 with the understanding that any contract amendments in excess of \$45,000 be presented to the City Council for approval; and

WHEREAS, the City is currently recruiting for a Planning Manager and a Building Inspector; and

WHEREAS, the City continues to experience high levels of building activity and Code Enforcement service requests from the public; and

WHEREAS, CSG can provide the staff augmentation for the Interim Planning Manager, in addition to the building inspection services; and

WHEREAS, the anticipated additional cost for a contract Planning Manager and Building Inspector for the remainder of the calendar year is expected to be \$151,000; and

WHEREAS, the anticipated additional cost for a Planning Manager and a Building Inspector will be funds currently budgeted for professional services and by reallocating budgeted salaries and benefits for the vacant positions to professional services.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Pinole does hereby take the following actions:

1. Authorize the City Manager to execute an amendment to the On-Call contract for a task order for CSG to provide an Interim Planning Manager and a Building Inspector for an amount not to exceed \$151,000; and
2. Authorize the Finance Director to re-allocate \$110,000 in funds from salaries and benefits to professional services, \$40,000 in 461, Planning, and \$70,000 in 462, Building.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pinole held on the 17th day of September 2019, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

I hereby certify that the foregoing resolution was regularly introduced, passed, and adopted on the 17th day of September 2019.

Heather Iopu, CMC
City Clerk

**AMENDMENT TO THE
CONSULTING SERVICES AGREEMENT
BETWEEN THE CITY OF PINOLE AND
CSG**

This Amendment to the Consulting Services Agreement dated November 20, 2018 (the "Agreement"), between the City of Pinole, a general law city and municipal corporation, ("City") and CSG ("Consultant") (together sometimes referred to as "Parties") is approved as of the date executed below.

Effect of Amendment. The terms and conditions of this Amendment are intended by the Parties to modify the Agreement. To the extent there is any inconsistency between the terms of this Amendment and the terms of the Agreement and/or its Appendix, the terms of this Amendment shall control.

Exhibit A and B shall read as follows:

Task Order to provide an Interim Planning Manager and Building Inspector in an amount not to exceed \$151,000.

With the exception of the foregoing, all other terms and conditions in the Services Agreement, dated November 20, 2018, remain in force and effect.

The Parties have executed this Amendment to the Agreement as of the date signed by the Authority.

City of Pinole

Contractor

Michelle Fitzer
City Manager

Dated: _____

Dated: _____

Approved as to Form

Eric S. Casher
City Attorney

Dated: _____



CITY COUNCIL REPORT

7F

DATE: SEPTEMBER 17, 2019

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: ERIC S. CASHER, CITY ATTORNEY

COPY: MICHELLE FITZER, CITY MANAGER

**SUBJECT: ORDINANCE AMENDING CHAPTERS 9.28 & 9.30 OF THE
PINOLE MUNICIPAL CODE REGARDING THE REGULATION OF
TOBACCO PRODUCTS AND TOBACCO RETAILERS**

RECOMMENDATION

Staff recommends the City Council waive the second reading of and adopt an ordinance to amend Chapters 9.28 and 9.30 of the Pinole Municipal Code regarding the regulation of tobacco products and tobacco retailers.

BACKGROUND

The Pinole Municipal Code contains two chapters related to the regulation of tobacco: Chapter 9.28, "Tobacco and Tobacco Products", and Chapter 9.30, "Tobacco Advertising and Promotion – Tobacco Retailer Licensing". Together, these two chapters regulate many aspects of the sale and use of tobacco within the City. Among other things, the Municipal Code establishes an extensive list of locations where smoking tobacco products is prohibited. In addition, the Municipal Code requires any entity that wishes to sell tobacco products within the City to obtain a special license and establishes certain restrictions on the operation of such businesses. For example, the Municipal Code contains limitations on the distribution of samples and marketing materials for tobacco products.

On September 3, 2019, the City Council introduced and conducted a first reading of an ordinance to amend Chapters 9.28 and 9.30 to update the City's regulations regarding the sale of tobacco products and expand the locations where smoking tobacco products is prohibited. The detailed staff report from that meeting is included as Attachment A.

DISCUSSION

The Proposed Ordinance amends the Municipal Code in the following ways:

1. The Proposed Ordinance would prohibit the sale of any flavored tobacco products within the City, except for flavored cigarettes which are already regulated

by the Food and Drug Administration. This prohibition will not go into effect until after January 15, 2020.

2. The Proposed Ordinance would prohibit the sale of an individual cigar, unless the cost of the single cigar is at least five dollars (\$5). The ordinance would also prohibit the sale of a package of five cigars for less than ten dollars (\$10).
3. The Proposed Ordinance will expand the list of places where smoking tobacco products is prohibited to include within all multi-family residential units and balconies. Consuming cannabis is automatically prohibited anywhere smoking tobacco products is prohibited.
4. The Proposed Ordinance updates relevant definitions to fully capture the growing use of vaping technology for tobacco products. To eliminate any ambiguity in existing definitions, the definition of “smoke” is being amended to explicitly include vapors from electronic cigarettes.
5. The Proposed Ordinance amends the Municipal Code to remove provisions that have been preempted by State or Federal law since Chapters 9.28 and 9.30 were originally adopted.

FISCAL IMPACT

There is no direct fiscal impact to this Ordinance.

ATTACHMENTS

Attachment A – September 3 Staff Report
Attachment B – Ordinance



CITY COUNCIL REPORT

ATTACHMENT A

8A

DATE: SEPTEMBER 3, 2019

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: ERIC S. CASHER, CITY ATTORNEY

COPY: MICHELLE FITZER, CITY MANAGER

**SUBJECT: ORDINANCE AMENDING CHAPTERS 9.28 & 9.30 OF THE
PINOLE MUNICIPAL CODE REGARDING THE REGULATION OF
TOBACCO PRODUCTS AND TOBACCO RETAILERS**

RECOMMENDATION

Staff recommends the City Council introduce and waive the first reading of an ordinance to amend Chapters 9.28 and 9.30 of the Pinole Municipal Code regarding the regulation of tobacco products and tobacco retailers.

BACKGROUND

The Pinole Municipal Code contains two chapters related to the regulation of tobacco: Chapter 9.28, "Tobacco and Tobacco Products", and Chapter 9.30, "Tobacco Advertising and Promotion – Tobacco Retailer Licensing". Together, these two chapters regulate many aspects of the sale and use of tobacco within the City. Among other things, the Municipal Code establishes an extensive list of locations where smoking tobacco products is prohibited, including places of employment, enclosed places open to the public, and all City facilities, including parks. In addition, the Municipal Code requires any entity that wishes to sell tobacco products within the City to obtain a special license and establishes certain restrictions on the operation of such businesses. For example, the Municipal Code contains limitations on the distribution of samples and marketing materials for tobacco products.

In addition to the Municipal Code, restrictions and regulations on tobacco and electronic cigarette retailing exist under state and federal law. These state and federal law restrictions also apply locally in Pinole, but they also provide local jurisdictions with authority to enact retail licensing ordinances and other regulations that are more restrictive than what currently exists under state and federal law.

Despite local, state and federal regulations, studies show that underage individuals are still able to gain access to tobacco and electronic cigarette products. Additionally, while regulations exist regarding the flavor and package size of cigarettes, similar regulations do not exist regarding the flavor and package size of electronic cigarettes and cigars.

Chapter 9.28 was adopted in 1994 and Chapter 9.30 was adopted in 1999. Both chapters have only been minimally amended since initial enactment. The tobacco industry has evolved significantly since the 1990s, as have public norms regarding tobacco use and smoking. As part of the Municipal Code update for 2019, the City Council provided direction to the City Attorney's Office to update the City's tobacco ordinances. The City Attorney's office received further direction from the Municipal Code Update Subcommittee at a meeting on June 17, 2019. The City Attorney's Office presented a draft ordinance to the Subcommittee on July 15, 2019, and received additional input and feedback on the draft, which has been incorporated into the attached Proposed Ordinance.

DISCUSSION

The Proposed Ordinance amends the Municipal Code in a number of ways, each of which is described herein. First, the Proposed Ordinance updates relevant definitions to fully capture the growing use of vaping technology for tobacco products. Although the Municipal Code currently references e-cigarettes, "smoke" is defined as gases and particulates released into the air as a result of combustion. Significantly, e-cigarettes often use vaporization technology that does not necessarily qualify as combustion. To eliminate any ambiguity, the definition of "smoke" is being amended to explicitly include vapors from electronic cigarettes.

Second, the Proposed Ordinance will expand the list of places where smoking tobacco products is prohibited to include within multi-family residential units and balconies. Currently, the Municipal Code prohibits smoking tobacco products within enclosed common areas in multi-family residential buildings and most unenclosed common areas. However, most multi-family residential buildings have shared ventilation systems, so smoke and the related carcinogens generated in one unit can sometimes travel to other units. This can expose other residents to harmful odors and smoke, and creates a nuisance. For this reason, numerous jurisdictions in California, including Contra Costa County, prohibit smoking within multi-family residential units. Since 1994, smoking has been prohibited within all newly constructed multi-family residential units in Pinole. The Proposed Ordinance would apply this prohibition to multi-family residential units constructed before 1994. Relatedly, under California law, it is illegal to smoke cannabis products anywhere smoking tobacco products is prohibited.

Third, the Proposed Ordinance implements two new restrictions regarding the sale of tobacco products aimed at decreasing youth use of tobacco products. Currently, many e-cigarette companies produce a variety of flavored products, such as watermelon, cotton candy, and apple. These products are believed to be specifically targeted and marketed toward minors. While there are already laws and regulations regarding the flavoring of traditional cigarettes, no similar law exists for e-cigarettes. The proposed law would prohibit the sale of any flavored tobacco products within the City, except for flavored cigarettes which are already regulated by the Food and Drug Administration. Similarly, while there are restrictions on the sale of individual

cigarettes, there is no similar law for cigars. Selling individual cigars allows a retailer to charge a minimal amount, which makes the cigar more affordable for a minor to purchase. The Proposed Ordinance would generally prohibit the sale of an individual cigar, as well as the sale of a package of five cigars for less than ten dollars (\$10). The Proposed Ordinance allows the sale of individual cigars only if the cost of the single cigar is at least five dollars (\$5). This exception allows for the sale of higher quality and more expensive cigars individually, since those cigars are not usually marketed toward, or consumed by, minors.

Fourth, the Proposed Ordinance amends the Municipal Code to remove provisions that are no longer necessary. Chapter 9.28 was first adopted in 1994 and Chapter 9.30 was adopted in 1999. Since that time, laws regarding smoking have changed significantly, and parts of those chapters are now preempted by state and/or federal law. For example, Chapter 9.28 currently contains provisions regarding a process for businesses to apply for an exemption from the Municipal Code's prohibition on smoking within restaurants. However, California law now prohibits smoking in all restaurants, so the exemption process is unnecessary.

The changes implemented by the Proposed Ordinance are similar to the regulations that have been adopted by many other jurisdictions in the Bay Area. For reference, each element of the Proposed Ordinance has previously been adopted by Contra Costa County and is applicable to unincorporated areas within the County.

In addition to the City's standard noticing for proposed ordinances, notice that the City Council would be considering the Proposed Ordinance at the September 3 meeting was sent to businesses that sell tobacco products within the City.

FISCAL IMPACT

There is no direct fiscal impact to this Ordinance.

ATTACHMENTS

Attachment A – Ordinance

ORDINANCE NO. 2019-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINOLE
AMENDING CHAPTERS 9.28 AND 9.30 OF THE PINOLE MUNICIPAL CODE
REGARDING THE REGULATION OF TOBACCO PRODUCTS AND TOBACCO
RETAILERS**

WHEREAS, the United States Surgeon General has concluded that secondhand smoke exposure can cause serious health problems, especially in children; and

WHEREAS, even occasional exposure to secondhand smoke is harmful, and low levels of exposure to secondhand tobacco smoke can lead to increased health risks; and

WHEREAS, electronic cigarettes produce an aerosol or vapor of undetermined and potentially harmful substances, which may appear similar to the smoke emitted by traditional tobacco products; and

WHEREAS, the World Health Organization (WHO) recommends that electronic smoking devices not be used indoors, especially in smoke free environments, in order to minimize the risk to bystanders of breathing in the aerosol emitted by the devices and to avoid undermining the enforcement of smoke free laws; and

WHEREAS, the smoking of tobacco and the use of electronic cigarettes are forms of air pollution and are a danger to public health as well as a material public nuisance; and

WHEREAS, the California Legislature has recognized the danger of tobacco use and has made reducing youth access to tobacco products a high priority; and

WHEREAS, despite local, state, and federal efforts to limit youth access to tobacco, minors are still able to access tobacco products; and

WHEREAS, the federal Family Smoking Prevention and Tobacco Control Act, enacted in 2009, prohibited candy and fruit-flavored cigarettes, largely because these flavored products were marketed to youth and young adults, and younger smokers were more likely to have tried these products than older smokers; and

WHEREAS, although the manufacture and distribution of flavored cigarettes (excluding menthol) is banned by federal law, neither federal nor California laws restrict sales of flavored non-cigarette tobacco products, such as cigars, cigarillos, smokeless tobacco, hookah tobacco, and electronic smoking devices and the nicotine solutions used in these devices; and

WHEREAS, flavored non-cigarette tobacco products have become increasingly common and are available in a variety of flavors that appeal to children and young adults, including apple, cherry, chocolate, grape, peach, strawberry, and vanilla; and

WHEREAS, the U.S. Surgeon General has stated that flavored tobacco products are considered to be “starter” products that help establish smoking habits that can lead to long-term addiction; and

WHEREAS, electronic cigarette companies have targeted minors with fruit-flavored products, and it is unknown if e-cigarettes may lead minors to try other tobacco products; and

WHEREAS, the California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances to protect the health, safety, welfare, and morals of their citizens; and

WHEREAS, California state law prohibits the sale or distribution of free or nominal-cost cigarettes or smokeless tobacco products (or coupons, coupon offers, or rebate offers for such products) on public grounds or on private grounds that are open to the public; and

WHEREAS, California state law specifically allows adoption of a local ordinance related to the distribution of free or nominal-cost tobacco products that is “more restrictive” and provides that a stricter local ordinance shall govern in the case of any inconsistency between the local ordinance and state law; and

WHEREAS, the FDA and federal law also expressly grants state and local governments the right to enact measures that are more restrictive than those in the federal law; and

WHEREAS, the City of Pinole has a substantial interest in promoting compliance with federal, state, and local laws prohibiting the sale or furnishing of tobacco products and electronic cigarette products to minors; in discouraging the illegal purchase of tobacco and electronic cigarette products by minors; in promoting compliance with laws prohibiting sales of cigarettes and tobacco products to minors; and in protecting children from being lured into illegal activity through adult misconduct; and

WHEREAS, since Chapter 9.28 and Chapter 9.30 were substantially adopted in 1994, stricter state and federal laws have been enacted preempting portions of those chapters; and

WHEREAS, it is the intent of the City Council, in enacting this ordinance, to ensure compliance with the business standards and practices of the City of Pinole and to encourage responsible tobacco retailing and to discourage violations of tobacco-related laws, especially those which prohibit or discourage the sale or distribution of tobacco and nicotine products to minors, but not to expand or reduce the degree to which the acts regulated by federal or state law are criminally proscribed or to alter the penalties provided therein; and

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

Section 1. Recitals.

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

Section 2. Approval of Amendment.

The City Council hereby approves the amendments to Chapter 9.28 and 9.30 of the Pinole Municipal Code, as shown in attached Exhibit A, which is incorporated herein by reference (deletions in ~~striketrough~~; additions in underline).

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. California Environmental Quality Act (“CEQA”).

The proposed amendments are exempt from CEQA based on the rule set forth in CEQA Guidelines Section 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the proposed amendments to the Municipal Code will have a significant effect on the environment.

Section 5. 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 6. 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 on this ____ day of September, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Peter Murray, Mayor

ATTEST:

Heather Iopu, City Clerk

APPROVED AS TO FORM:

Eric S. Casher, City Attorney

3337520.2

Exhibit A

(deletions in ~~strike through~~; additions in underline).

Chapter 9.28

TOBACCO AND TOBACCO PRODUCTS

Sections:

- 9.28.010 Findings.
- 9.28.020 Purpose.
- 9.28.030 Definitions.
- 9.28.040 Regulation of smoking within reasonable distance - 20 feet.
- 9.28.050 Prohibition of smoking in unenclosed areas.
- 9.28.060 Prohibition of smoking in enclosed places.
- 9.28.070 Regulation of smoking in places of employment.
- 9.28.080 Optional smoking areas; exemptions.
- ~~9.28.090 Procedures and conditions for granting exemptions for restaurants.~~
- 9.28.100 Posting requirements.
- ~~9.28.110 Distribution of free samples and coupons.~~
- 9.28.120 Out of package sales.
- 9.28.130 Enforcement.
- 9.28.140 Penalties.
- 9.28.150 Nonretaliation.
- 9.28.160 Other applicable laws.

9.28.010 FINDINGS.

The City Council finds that:

- A. The U.S. Environmental Protection Agency has determined that tobacco smoke is the major contributor of particulate indoor air pollution; and
- B. Reliable studies have shown that breathing sidestream or secondhand smoke is a significant health hazard, in particular for elder people, individuals with cardiovascular disease, and individuals with impaired respiratory function; including asthmatics and those with obstructive airway disease; and
- C. Health hazards induced by breathing sidestream or secondhand smoke include heart disease, lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm; and
- D. Nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing sidestream or secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and
- E. The smoking of tobacco is a danger to health; and
- F. The health care costs and lost productivity incurred by smoking related disease and death represent a heavy and avoidable financial drain on our community by increasing public health and medical costs;
- G. Exposure to secondhand smoke anywhere has negative health impacts, exposure to secondhand smoke does occur at significant levels outdoors, and to be completely free from

exposure to secondhand smoke a person may need to move up to 20 feet away from the source of the smoke; and

H. 1. The free distribution of cigarettes and other tobacco products encourages people to begin smoking and using tobacco products and tempts those who had quit smoking to begin smoking again, and

2. Free distribution of cigarettes and other tobacco products promotes unsightly litter, thereby increasing the costs to the public in cleaning the streets; and also causes pedestrian traffic congestion.

9.28.020 PURPOSE.

The compelling purpose and intent of this chapter includes, but is not limited to, generally promoting the health, safety, and welfare of all people in the community against the health hazards and harmful effects of the use of addictive tobacco products and the dangers of secondhand smoke.

9.28.030 DEFINITIONS.

The following words and phrases, whenever used in this chapter, shall be construed as hereafter set out, unless it is apparent that they have a different meaning:

A. **BUSINESS.** Any sole proprietorship, partnership, joint venture, corporation, association, or other entity formed for profit-making or non-profit making purposes.

B. **DINING AREA.** Any Unenclosed Area, including streets and sidewalks, which is available to or customarily used by the general public or an employee, and which is designed, established, or regularly used for consuming food or beverages.

C. **DISTRIBUTE.** To give, sell, deliver, dispense, issue, or cause or hire any person to give, sell, deliver, dispense, issue or offer to give, sell, deliver, dispense or issue.

D. **EMPLOYEE.** Any person who is employed or retained as an independent contractor by any Employer in consideration for direct or indirect monetary wages or profit or any person who volunteers his or her services for an Employer.

E. **EMPLOYER.** Any person, partnership, corporation, nonprofit entity, including municipal corporation or public entities, who employs the services of two or more persons or two (2) or more people conduct business within the establishment.

F. **ENCLOSED.** An area in which outside air cannot circulate freely to all parts of the area, an area that is closed in by a roof and walls with appropriate openings for ingress and egress.

G. **GENERAL PUBLIC.** Shoppers, customers, patrons, patients, students, clients and other similar invitees of a commercial enterprise or nonprofit entity.

H. **MULTI-UNIT RESIDENCE.** A property containing two (2) or more Units, including but not limited to apartments, condominiums, senior citizen housing, nursing homes, and single room occupancy hotels. The following types of housing are specifically excluded:

1. Hotel or motel that meets requirements of California Civil Code Section 1940(b)(2);
2. Mobile home park;
3. Campground;
4. Marina or port;
5. Single-family home; and
6. Single-family home with a detached or attached in-law or second Unit when permitted

pursuant to California Government Code Sections 65852.1, 65852.150, 65852.1 or an ordinance adopted by the City pursuant to those sections.

I. **MULTI-UNIT RESIDENCE COMMON AREA.** Areas of a Multi-Unit Residence that residents of more than one Unit of that Multi-Unit Residence are entitled to enter or use, including, for example, halls and paths, lobbies and courtyards, elevators and stairs, community rooms and playgrounds, gym facilities and swimming pools, parking garages and parking lots, shared restrooms, shared laundry rooms, shared cooking areas, and shared eating areas.

J. **PLACE OF EMPLOYMENT.** Any Enclosed area under the control of a Employer which Employees normally frequent during the course of employment, including but not limited to, work areas, employee lounges, conference rooms, and employee cafeterias. A private residence is not a Place of Employment unless it is used as a child care or health care facility.

K. **PUBLIC AREA.** Any place, publicly or privately owned, which is open to the general public regardless of any fee or age requirement.

L. **SERVICE AREA.** Any publicly or privately owned area, including streets and sidewalks, that is designed to be used or is regularly used by one or more persons to receive a service, wait to receive a service or to make a transaction, whether or not such service or transaction includes the exchange of money. The term "Service Area" includes but is not limited to information kiosks, automatic teller machines (ATMs), ticket lines, bus stops or shelters, mobile vendor lines or cab stands.

M. **SMOKE.** The gases and particulates or vapors released into the air as a result of combustion, electrical ignition or vaporization, when the apparent or usual purpose of the combustion, electrical ignition or vaporization is human inhalation of Tobacco Products. The term "smoke" includes, but is not limited to, tobacco smoke and electronic cigarette vapors. The term "smoke" also includes vapor generated through the use of an electronic cigarette in any manner or in any form.

N. **SMOKING.** The engaging in an act that generates Smoke, such as, for example: carrying, possessing or holding of a lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment or the lighting or emitting or exhaling the smoke of a pipe, cigar, or cigarette of any kind.

O. **TOBACCO PRODUCTS.** Any substance containing tobacco leaf, in any product formulation of matter or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence. This includes electronic cigarettes or e-cigarettes.

P. **UNENCLOSED.** Any area that is not an Enclosed area.

Q. **UNIT.** A personal dwelling space, even where lacking cooking facilities or private plumbing facilities, and includes any associated exclusive-use Enclosed area or Unenclosed area, such as, for example, a private balcony, porch, deck, or patio. "Unit" includes but is not limited to an apartment; a condominium; a townhouse; a room in a long-term health care facility, assisted living facility, or hospital; a hotel or motel room; a room in a single room occupancy ("SRO") facility; a room in a homeless shelter; a mobile home; a camper vehicle or tent; a single-family home; and an in-law or second unit.

9.28.040 REGULATION OF SMOKING WITHIN REASONABLE DISTANCE - 20 FEET.

Smoking shall be prohibited within twenty (20) feet from any doorway, window, opening, crack, or vent into any Multi-Unit Residence or any Enclosed area in which Smoking is

prohibited, except while actively passing on the way to another destination and provided Smoke does not enter any Multi-Unit Residence or any Enclosed area in which Smoking is prohibited.

9.28.050 PROHIBITION OF SMOKING IN UNENCLOSED AREAS.

A. Smoking is prohibited in the Unenclosed areas of the following places within the City, except places where Smoking is already prohibited by state or federal law, in which case those laws apply:

1. City property, whether owned, leased or operated by the City, including parking lots, public parks, trails, open spaces, nature areas or park facilities;
2. Public events on public property, including open-air markets, parades, festivals, and other events open to the public. No person may Smoke during an outside public event that occurs on property on which the City is owner, lessee, or otherwise holds a property interest;
3. Service Areas;
4. Outdoor Dining Areas;
5. Outdoor, Unenclosed Multi-Unit Residence Common Areas, except for those exempt pursuant to Section [9.28.080](#).

9.28.060 PROHIBITION OF SMOKING IN ENCLOSED PLACES.

Smoking is prohibited in the following Enclosed places within the City except such places in which Smoking is already prohibited by state or federal law in which case those laws apply:

A. City facilities. Smoking is prohibited in all buildings, vehicles, parking lots, or other Enclosed areas occupied by City Employees, owned or leased by the City, or otherwise operated by the City;

B. Enclosed public spaces. All Enclosed areas available to and customarily used by the general public and all businesses patronized by the public, including, but not limited to, retail stores, the common areas of hotels and motels, pharmacies, banks, shopping malls, indoor service areas, theaters, bowling alleys, public schools, health facilities and other offices;

C. All restaurants and bars. The owner, manager or operator of the restaurant or bar shall post signs as prescribed by Section [9.28.100](#)(A) and remove all ashtrays from tables;

D. Private residences when used as child care or health care facilities shall be smokefree at all times. Board and care facilities shall provide smokefree living quarters for nonsmoking boarders;

E. Enclosed Multi-Unit Residence Common Areas, unless that area is exempt in accordance with Section [9.28.080](#);

F. ~~Effective as of the date of this Chapter, smoking is prohibited in Any and all newly constructed~~ All Multi-Unit Residences such that 100% of the Units and private outdoor spaces such as balconies, patios and decks shall be smoke-free, except for certain designated outdoor areas as provided in Section [9.28.080](#).

Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment as a nonsmoking establishment.

9.28.070 REGULATION OF SMOKING IN PLACES OF EMPLOYMENT.

A. Smoking is prohibited in any Place of Employment, including, but not limited to, open office areas, shared offices and private offices occupied by Employees performing clerical, technical, administrative or other business or work functions; and, conference and meeting rooms, classrooms, auditoriums, restrooms, medical facilities, hallways, and elevators, except

such places in which Smoking is already prohibited by state or federal law in which case those laws apply.

B. Smoking is prohibited in any outdoor lounge area at Places of Employment, unless that area is exempt pursuant to Section [9.28.080](#).

C. The provisions of this section shall be communicated to all Employees within three (3) weeks of its adoption, and at least annually thereafter.

9.28.080 OPTIONAL SMOKING AREAS; EXEMPTIONS.

Notwithstanding any other provisions of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter except such places in which Smoking is prohibited by state or federal law in which case those laws apply:

A. A private residence, including one which may serve as a Place of Employment, except when covered by Section [9.28.060](#)(D) and excluding Multi-Unit Residences;

B. Hotel and motel rooms rented to guests; provided, however, that each hotel and motel designates not less than fifty percent (50%) of their guest rooms as nonsmoking rooms and removes ashtrays from these rooms;

C. Outdoor, Unenclosed Multi-Unit Residence Common Areas. A person with legal control over such Multi-Unit Residence may designate a portion of that area for Smoking if the area meets the following criteria:

1. The designated area does not overlap with any area where Smoking is otherwise prohibited by local, state, or federal law;
2. The designated area must be located at least twenty-five (25) feet in all directions from areas where Smoking is prohibited;
3. The designated area must not be used primarily by children;
4. The designated area must be no more than twenty-five percent (25%) of the total outdoor, Unenclosed Multi-Unit Residence Common Area;
5. The designated area must have a clearly marked perimeter;
6. The designated area must be identified by conspicuous signs, pursuant to Section [9.28.100](#).
7. The designated area must be located at least twenty-five (25) feet in all directions from the lot line of any private residence.

D. In Places of employment, Employers may provide specific Enclosed smoking areas for Employees provided all of the following conditions are met:

1. The smoking area shall be provided with a ~~heating~~heating, ventilating and air conditioning (HVAC) system designed so that none of the air from the smoking area will be recirculated into the other areas of the building.
2. The smoking area shall be completely separated from the remainder of the building by solid partitions or glazing without openings other than doors, and all doors leading to the smoking area shall be self-closing. The doors shall be provided with a gasket so installed as to provide a seal where the door meets the stop on both sides and across the top.
3. The smoking areas shall maintain a minimum static pressure of 0.005-inch water column relative to nonsmoking areas.
4. The Employer shall submit written verification and test results to the City Manager or his/her designees prepared by a licensed mechanical contractor or engineer that the HVAC system has been designed and tested and meets the requirements set forth in subsections ~~(G)~~(D) (1) through (3) above.

5. If the HVAC system is part of a smoke removal system or pressurization system, any modifications to these systems to provide smoking areas will require approval from the Pinole fire department. Written verification of this approval shall be provided to the city manager.

6. If the specific smoking area is an employee break room, lunch room or other area which may be used by nonsmoking employees, then a separate nonsmoking break room, lunch room or other area shall be provided of equal or larger size and include at least equal facilities.

E. In outdoor, Unenclosed Areas of Places of Employment, the Employer may designate a portion of such area for Smoking if the area meets the following criteria:

1. The designated area does not overlap with any area where Smoking is otherwise prohibited by local, state, or federal law;
2. The designated area must be located at least twenty-five (25) feet in all directions from areas where Smoking is prohibited;
3. The designated area must not be used primarily by children;
4. The designated area must be no more than twenty-five percent (25%) of the total outdoor, Unenclosed common area;

5. The designated area must have a clearly marked perimeter;

6. The designated area must be identified by conspicuous signs, pursuant to Section [9.28.100](#).

~~9.28.090 — PROCEDURES AND CONDITIONS FOR GRANTING EXEMPTIONS FOR RESTAURANTS.~~

~~—A. Notwithstanding any other provision of this chapter to the contrary, any owner or manager of a restaurant subject to this chapter may apply to the city manager for an exemption from or modification to the provisions of this chapter prohibiting smoking within restaurants. The application must be in writing and shall be based upon demonstrated significant financial hardship resulting from the application of the provisions of this chapter to the particular restaurant. For the purposes of this section, the city manager may delegate to another city employee the authority to receive, review and act upon applications. When used in this section the term “city manager” also refers to any employee to whom the manager has delegated authority as provided herein.~~

~~—B. The exemption or modification shall be limited to the establishment of a smoking section by designating for use by smoking patrons of a certain percentage of the seats in that part of the restaurant that is otherwise subject to the prohibition against smoking. For the 1994 calendar year, the maximum extent of the exemption or modification which may be granted pursuant to this section shall be the designation of not more than 20 percent of the seats otherwise subject to the prohibitions of this chapter. For the 1995 calendar year, the maximum extent of the exemption or modification which may be granted pursuant to this section shall be the designation of not more than ten percent of the seats otherwise subject to the prohibitions of this chapter. All seats subject to the exemption shall be located in a single smoking section.~~

~~—C. An exemption may be granted only if the city manager, or the city council on appeal, finds based upon substantial evidence that compliance with the provisions of this chapter without the exemption has clearly created a significant financial hardship for the restaurant.~~

~~—D. An exemption may be granted only after a hearing, fifteen days notice of which shall be given by posting in at least two public locations in the restaurant and in a place open to the public at city hall a notice of the proposed application and the hearing thereon. All interested persons may attend the hearing and shall be permitted to make oral or written presentations. The~~

city manager shall announce this or her decision in writing. The decision shall be delivered by first-class mail to the applicant and posted for ten days commencing on the date of mailing in a place open to the public at the council chambers. The decision of the city manager shall become final unless appealed to the city council within ten days following the date of posting.

~~—E. Within ten days of the date of posting the decision of the city manager may be appealed by the applicant, any member of the city council, or any person who appeared and presented evidence at the hearing. An appeal shall be made in writing filed with the city clerk.~~

~~—F. Exemptions granted pursuant to this section shall be valid until the end of the calendar year. An exemption may be renewed upon an application submitted and processed in the same manner as an original application. The city manager may revoke the grant of an exemption at any time, upon ten days notice to the applicant, if the city manager determines that the exemption was granted based upon misinformation.~~

~~—G. The applicant for exemption, or an appellant (other than the applicant or a member of the city council) shall pay an application or appeal fee in an amount established by city council resolution at the time of submission of the application or appeal.~~

~~—H. The application for the exemption shall contain a diagram of the restaurant showing the location of the proposed “smoking section”, current and historic sales tax or gross receipts information, employment records, profit and loss statements, invoices, contracts and other information which the city manager by written regulation may require.~~

~~—I. This section shall become null and void on the earlier of December 31, 1995, or when the two cities that border Pinole adopt an ordinance which in the opinion of the city attorney contains a ban on smoking in restaurants greater than, or equal to, the ban established elsewhere in this chapter. The opinion of the city attorney shall be communicated to the city manager in writing; any exemptions granted under this section shall become null and void on the same date.~~

9.28.100 POSTING REQUIREMENTS.

A. “Smoking” or “No Smoking” signs, whichever are appropriate, with letters of not less than one inch in height or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every building at each point of ingress and egress and at least one other conspicuous place within the buildings, or other place where smoking is controlled by this chapter, by the owner, operator, manager or other person having control of such building or other place.

B. Every hotel or motel regulated by this chapter will have posted at its entrance a sign clearly stating that nonsmoking rooms are available, and every patron shall be asked as to his or her preference.

C. Notwithstanding this section, the presence or absence of signs shall not be a defense to a charge of Smoking in violation of any provision of this Chapter.

9.28.110 — DISTRIBUTION OF FREE SAMPLES AND COUPONS.

~~—A. No person, firm, association or corporation in the business of selling or otherwise distributing cigarettes or other tobacco or smoking products for commercial purposes shall in the course of such business distribute, or direct, authorize, or permit any agent or employee to distribute: (1) any cigarette or other tobacco or smoking product, including any smokeless tobacco product; or (2) coupons, certificates, or other written material which may be redeemed~~

~~for tobacco products without charge, to any person on any public street or sidewalk or in any public park or playground or on any other public ground or in any public building.~~

~~—B. No agent or employee of any person, firm, association or corporation in the business of selling or otherwise distributing cigarettes or other tobacco or smoking products for commercial purposes shall in the course of such business distribute: (1) any cigarette or products; or (2) coupons, certificates, or other written material which may be redeemed for tobacco products without charge, to any person on any public street or sidewalk or in any public park or playground or on any other public ground or in any public building.~~

~~—C. For purposes of this section, “public ground” and “public building” include sports arenas as defined in Section 9.28.030 (J) and any entertainment facility whether enclosed or not, except a bar, for which a charge is made for admission, whether publicly or privately owned.~~

9.28.120 OUT OF PACKAGE SALES.

No person shall sell or offer for sale cigarettes or smokeless tobacco not in the original packaging provided by the manufacturer.

9.28.130 ENFORCEMENT.

A. Administration of this chapter shall be by the City Manager or his/her designees.

B. Any person who desires to register a complaint hereunder may initiate enforcement consideration with the City Manager or his/her designees.

C. No person, owner, manager, operator or Employer of any establishment controlled by this chapter shall knowingly permit Smoking in an area which is under the legal or defacto control of that person, owner, manager, operator or Employer and in which Smoking is prohibited by law, unless otherwise required by state or federal law.

9.28.140 VIOLATION – PENALTIES.

A. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to the restrictions of this section to fail to properly post signs required hereunder.

B. It is unlawful for any person to Smoke in any area restricted by the provisions of this chapter.

C. Any person or Business who violates subsection (A) or (B) of this section, or any other provision of this chapter, shall be guilty of an infraction, punishable by:

1. A fine, not exceeding one hundred dollars (\$100) for the first violation;
2. A fine, not exceeding two hundred dollars (\$200) for a second violation of this chapter within one (1) year;
3. A fine, not exceeding five hundred dollars (\$500), for each additional violation of this chapter within one (1) year.

D. Each instance of Smoking in violation of this Chapter shall constitute a separate violation.

E. The remedies provided in this Chapter are cumulative and in addition to any other remedies available at law or in equity.

9.28.150 NONRETALIATION.

No person or Employer shall discharge, refuse to hire, or in any manner-retaliate against any Employee or applicant for employment because such Employee or applicant exercises any rights afforded by this chapter.

9.28.160 OTHER APPLICABLE LAWS.

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Chapter 9.30 **~~TOBACCO ADVERTISING AND PROMOTION~~— TOBACCO RETAILER** **LICENSING AND REGULATIONS**

- 9.30.010 Definitions.
- 9.30.020 Restriction on advertising tobacco products.
- 9.30.030 Exceptions.
- 9.30.040 Distribution of promotional items to minors.
- 9.30.050 Self-service displays.
- 9.30.060 Vendor assistance.
- 9.30.070 Administration and implementation.
- 9.30.080 Violations.
- 9.30.090 Intent as to additional legal restrictions and remedies.
- 9.30.100 Tobacco retailer license.
- 9.30.110 Retailer license application procedure.
- 9.30.120 Issuance and display of license.
- 9.30.130 Fees.
- 9.30.140 License not transferrable.
- 9.30.150 Suspension of license.
- 9.30.160 Administrative fine.
- 9.30.170 Disclaimers.

9.30.010 DEFINITIONS.

The following words and phrases, whenever used in this chapter, shall be construed as hereafter set out, unless it is apparent that they have a different meaning:

A. **ADVERTISING DISPLAY SIGN.** A sign, billboard, poster, freestanding sign, balloon, pennant or banner that is temporarily or permanently placed on or affixed to the ground, the sidewalk, a pole or post, a fence, or a building, or is displayed in the windows or doors of a commercial establishment, and that is used to advertise or promote products.

B. **CITY MANAGER.** The City Manager for the city of Pinole or his or her designee.

C. **MOBILE BILLBOARD.** Any sign, placard, billboard, or other advertisement display upon or affixed to a vehicle which display is used to advertise a product illegal to sell to minors, when the supporting vehicle or trailer is parked within a public right of way or on private property and visible to the public for a duration of time and in a manner which clearly indicates that the sign is for advertising products illegal to sell to minors or which carry a specific brand name, logo, indicia of a product illegal to sell to minors. For the purpose of this chapter, a mobile billboard shall not include any advertisements on the side of a van, truck or other vehicle which is primarily used for the transportation of goods or products.

D. **PERSON.** Any individual, firm, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee or other legal entity.

E. **PROMOTE OR PROMOTION.** A display of any logo, brand name, character, graphics, colors, designs, or recognizable color or pattern of colors, or any other indicia or product identification with, or similar to, or identifiable with, those used for any particular brand of tobacco product.

F. **PUBLICLY VISIBLE LOCATION.** Any outdoor location that is visible from any street, sidewalk, or other public thoroughfare, or any location inside a commercial establishment immediately adjacent to a window or door where such location is visible from any street, sidewalk, or other public thoroughfare.

G. **TOBACCO PRODUCTS.** Any substance containing tobacco, including e-cigarettes.

H. **TOBACCO RETAILER.** Any person who sells, offers for sale, or exchanges or offers to exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia. "Tobacco retailing. the doing of any of these things.

9.30.020 RESTRICTION ON ADVERTISING TOBACCO PRODUCTS.

No person shall place or maintain, or cause to be placed or maintained, in any manner, any advertising or promotion of cigarettes or tobacco products on an advertising display sign in a publicly visible location within one thousand six hundred feet of the perimeter of an elementary or secondary school, public playground or playground area in a public park (e.g., a public park with equipment such as swings and seesaws, baseball diamonds or basketball courts).

9.30.030 EXCEPTIONS.

The restrictions contained in Section 9.30.020 shall not apply to advertising or promotions for tobacco products:

A. Located inside a commercial establishment, unless such advertising display sign or promotion is attached to, affixed to, leaning against, or otherwise in contact with any window or door in such a manner that it is visible from a street, sidewalk or other public thoroughfare;

B. On vehicles, other than mobile billboards;

C. On any sign located inside or immediately outside a commercial establishment if the sign provides notice that the establishment sells tobacco products, so long as the sign does not promote any brand of tobacco product;

D. On tobacco product packaging.

9.30.040 DISTRIBUTION OF PROMOTIONAL ITEMS TO MINORS.

No person may market, license, distribute, sell, or cause to be marketed, licensed, distributed or sold any item or service to a minor, which bears the brand name, alone or in conjunction with, any other word, logo, symbol, motto, selling message, recognizable color or pattern of colors, or any other indicia or product identification identical with, or similar to, or identifiable with, those used for any brand of tobacco product.

9.30.050 SELF-SERVICE DISPLAYS.

It is unlawful for any person to sell, permit to be sold, offer for sale, or display for sale, any tobacco product by means of self-service display, rack, counter-top or shelf that allows self-service sales for any tobacco product other than vendor-assisted sales.

9.30.060 VENDOR ASSISTANCE.

All tobacco products shall be offered for sale exclusively by means of vendor assistance with tobacco products in a locked case, or in an area not accessible to the public, and requiring employee assistance to retrieve the tobacco products.

9.30.063 MINIMUM PACK SIZE FOR CIGARS

A. Notwithstanding any other provision of this Chapter, no Tobacco Retailer shall sell, offer for sale, or exchange for any form of consideration:

- (1) Any single cigar, whether or not packaged for individual sale;
- (2) Any number of cigars fewer than the number contained in the manufacturer's original consumer packaging designed for retail sale to a consumer; or
- (3) Any package of cigars at a price that is less than Ten Dollars (\$10.00) per five (5) cigars, including all applicable taxes and fees.

B. This subsection does not apply to the sale or offer for sale of a single cigar for which the retail price exceeds either Five Dollars (\$5.00) or the dollar amount adopted by resolution of the City Council and adjusted from time to time, whichever is higher. The public shall be given notice of any such resolution in the manner notice is given of ordinances of the City.

C. This subsection shall apply to cigars, cigarillos and any other cigar product regardless of the terminology used for the product.

9.30.066 FLAVORED TOBACCO PRODUCTS PROHIBITED.

A. No Tobacco Retailer, nor any of the retailer's agents or employees, shall sell or offer for sale, or possess with intent to sell or offer for sale, any Flavored Tobacco Product.

B. For the purpose of this Section, "Flavored Tobacco Product" means any Tobacco Product (other than cigarettes as defined by the U.S. Food and Drug Administration) that contains a constituent that imparts a characterizing flavor. This includes cigars, little cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, blunts, and electronic cigarettes or electronic smoking devices.

(1) For purposes of this definition, "constituent" means any ingredient, substance, chemical, or compound, other than tobacco, water, or reconstituted tobacco sheet, which is added by the manufacturer to a tobacco product during the processing, manufacture, or packing of the tobacco product.

(2) Further, a Tobacco Product is presumed to be a Flavored Tobacco Product if a manufacturer or any of the manufacturer's agents or employees has:

- (a) Made a public statement or claim that the Tobacco Product has or produces a characterizing flavor, including, but not limited to, text and/or images on the product's labeling or packaging that are used explicitly or implicitly to communicate information about the flavor, taste, or aroma of a tobacco product;

or

(b) Taken actions directed to consumers that would be reasonably expected to result in consumers believing that the tobacco product imparts a characterizing flavor.

C. The provisions of this Section 9.30.066 are voluntary until January 15, 2020. The City may begin enforcement after such date without further notice.

9.30.070 ADMINISTRATION AND IMPLEMENTATION.

Except as otherwise provided, this chapter shall be administered by the City Manager, or his or her designee, who may develop guidelines to ensure implementation of this chapter.

9.30.080 VIOLATIONS.

A. The City Manager shall review, and if determined appropriate, act upon any written complaint submitted by any private citizen or city officer or employee concerning any advertising or promotion prohibited by this chapter. The City Manager may serve a written ten-day notice upon the person responsible for the alleged advertising display sign or promotion or self-service display prohibited by this chapter. The written notice shall require the person to whom it is sent to either correct the violation within this ten-day period or submit, in writing, a response to the claim of violation. The City Manager shall investigate any written response and determine whether or not a violation has occurred. This determination shall be in writing and a copy of the determination shall be sent to the person making the written complaint and to the person who is alleged to have engaged in the violation.

B. Failure to correct specified violations may result in enforcement by any remedy provided by this code. If three notices requiring the correction of any violation of this chapter, whether the violation involves the same or different displays or promotions, are served on the same person within a thirty-day period, an enforcement action, including but not limited to the imposition of a fine, pursuant to the provisions of Section 9.30.160, may be initiated against that person without the serving of another notice, if an additional violation occurs within ninety days of the serving of the third notice.

C. Each separate display of tobacco advertising or promotion prohibited by this chapter shall be considered a separate violation.

D. For purposes of determining liability of persons, firms or corporations, controlling franchises or business operations in multiple locations, each individual franchise or business location shall be deemed a separate entity.

9.30.090 INTENT AS TO ADDITIONAL LEGAL RESTRICTIONS AND REMEDIES.

Nothing in this chapter is intended to alter the obligations or restrictions which apply to any person under any other law governing signs, billboards, tobacco advertising or any other matter covered by this chapter. The remedies set forth in this chapter are not exclusive. If any action prohibited by this chapter is also unlawful under any other law, the penalties and remedies under such other law may be pursued in addition to those provided in this chapter.

9.30.100 TOBACCO RETAILER LICENSE.

A. It is unlawful for any retailer, individual or entity to sell or offer for sale any tobacco product without first obtaining and maintaining a valid tobacco retailer's license for each location where such sales are conducted.

B. This license must be renewed annually.

9.30.110 RETAILER LICENSE APPLICATION PROCEDURE.

A retailer, individual or entity who is required to obtain a tobacco retailer license pursuant to this code shall submit an application in the name of the retailer, individual or entity and be signed by the retailer, individual or entity or agent with written authority to act for same. All applications shall be submitted on a form supplied by the City Manager and shall contain the following information:

A. The name, address and telephone number of the business owner and manager;

B. The business name, address and telephone number of each establishment where tobacco is to be sold;

C. Such information as the City Manager determines is necessary.

9.30.120 ISSUANCE AND DISPLAY OF LICENSE.

Upon receipt of a completed application for a tobacco retailer's license, including payment of the license fee, and the completion of an inspection of the premises, if required by the City Manager, to determine compliance with this chapter, the City Manager shall issue a license. Each licensee shall prominently display the license at the location where tobacco sales are conducted.

9.30.130 FEES.

The fee for a tobacco retailer's license shall be set by Council resolution in an amount which covers the city costs for processing the application, inspecting the tobacco retailer's business premises to determine compliance with the standards contained in this chapter and implementing the licensing program.

9.30.140 LICENSE NOT TRANSFERRABLE.

A tobacco retailer's license is not transferable. If there is a change in location, a new tobacco retail license shall be issued for the new address upon receipt of an application for a change of location. The new license shall retain the same expiration date as the previous one.

9.30.150 SUSPENSION OF LICENSE.

A. A tobacco retailer's license may be suspended by the City Manager upon a finding, after notice and hearing, that a violation of this chapter, or any other applicable state or federal law governing the sale and distribution of tobacco, has occurred at the licensee's business premises.

B. The City Manager may suspend the licensee's license to sell tobacco products for up to sixty days the first time the City Manager makes a finding of violation. The second time the City Manager makes a finding of violation, within twelve months of the first violation, the licensee's license may be suspended for up to one hundred twenty days. The third time the City Manager makes a finding of violation, within twelve months of the first violation, the licensee's license may be suspended for up to one year.

C. Any suspension of a tobacco retailer's license may be appealed to the City Council within ten days of receipt of the city manager's decision to suspend the license. Such appeal shall be in

writing and must be accompanied by payment of the applicable appeal fee specified in the master fee schedule.

9.30.160 ADMINISTRATIVE FINE.

A. If the City Manager finds, after notice and hearing, that a person required to have a tobacco retailer's license is selling or offering tobacco products for sale without a license, that person may be subject to an administrative fine of up to one hundred dollars for a first violation, up to two hundred dollars for a second violation within one year, and up to five hundred dollars for the third and subsequent violation within one year.

B. Each day that tobacco products are offered for sale without a license by a tobacco retailer required to have a license, shall constitute a separate violation. A finding of "offering for sale" shall be made if tobacco products are actually sold or displayed in the retail establishment.

C. Notice of the city manager's intention to impose a fine shall be served on the tobacco retailer or the person who is the owner of the establishment, by certified mail. The notice shall contain an advisement of the right to request a hearing before the City Manager to contest the imposition of the fine. Such hearing must be requested within ten days of the date of the notice of the fine.

D. Any fine imposed by the City Manager may be appealed to the City Council within ten days of the decision of the City Manager. The appeal must be in writing and must be accompanied by the appeal fee as specified in the city's fee schedule.

9.30.170 DISCLAIMERS.

By prohibiting the advertising or promotion of tobacco products in outdoor or publicly visible locations, prohibiting the distribution of tobacco related promotional items and self-service displays of tobacco products, the city is only protecting the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for which it may be liable in money damages to any person who claims that such breach proximately caused injury.



CITY COUNCIL REPORT

7G

DATE: SEPTEMBER 17, 2019

TO: MAYOR AND COUNCIL MEMBERS

FROM: HECTOR DE LA ROSA, ASSISTANT CITY MANAGER

SUBJECT: APPROVE AN AMENDMENT TO THE CONTRACT WITH INTERACTIVE RESOURCES FOR PREPERATION OF DESIGN AND SPECIFICATIONS FOR THE FARIA HOUSE IN AN ADDITIONAL AMOUNT OF \$6,017 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$91,397, AND AMEND THE BUDGET APPROPRIATION

RECOMMENDATION

It is recommended that the City Council approve a resolution to:

1. Authorize the City Manager to execute an amendment in standard form to the contract with Interactive Resources for preparation of design and specifications for the Faria House in an additional amount of \$6,017 for a total of \$91,397; and
2. Authorize the Finance Director to make the necessary amendments to the adopted budget to allocate \$6,017 from the General Fund Fund Balance.

BACKGROUND

Over the past year, the City has discussed the use and economic viability of the Faria House. However, because the Faria House was never truly improved following its relocation and has been vacant for many years, in order to utilize the House for any purpose it will require some significant renovations. The interior of both floors require numerous renovations including new interior paint, new fixtures, repair of walls, electrical, plumbing and renovated flooring. Moreover, the property would be subject to compliance with Americans with Disability Act (ADA) requirements, which will require significant renovations including an elevator to provide access to the second floor.

On September 6, 2016, several members of the public including the Faria family spoke in support of the house being used as a museum. Following a Council discussion, the City Council agreed that the Faria House would be used as a Museum.

In an effort to obtain a cost estimate of the improvements needed to bring it up to standard building code requirements, on June 19, 2018, the City Council approved Resolution No. 2018-53 approving a contract in the amount of \$85,380 with Interactive Resources Inc (IR) for architectural design services for the Faria House.

The scope of the work included:

- Development of drawings and schematics of improvements need for the interior of the house.
- Develop specifications suitable for public bidding.
- Evaluate the Structural engineering for the installation of an elevator for ADA access to the second floor; and
- Provide mechanical, electrical, and plumbing design as part of the schematics.

REVIEW & ANALYSIS

Over the past year, the City has been working with IR and providing them with documents and information. During the information gathering process, several issues arose including lack of available information from the City which required supplementary research and work on the part of the consultant resulting in additional work hours outside of the base proposal.

In short, the additional services were for time and design services spent on the location of the elevator as well as some minor structural work based on trying to avoid existing conditions.

- Elevator Issue: on February 25, 2019 IR met with the City and the Museum Board to suggest two possible locations for an elevator to make the House ADA compliant. IR was seeking approval of one of the locations within the week. Between the initial meeting date and the final approval for the location of the elevator, April 22, 2019, additional information was requested by the City in conjunction with the Museum Board, which exceeded the scope and hours in the initial proposal. The request from the City resulted in additional billing hours. The additional hours and costs are as follows:

| | |
|---------------------|---|
| Project Manager: | 30.5 hours at \$160 per hour = \$4,720 |
| Drafter: | 8.5 hours at \$120 per hour = \$1,020 |
| Structural Engineer | 1.5 hours at \$185 per hour = <u>\$ 277</u> |

| | |
|--------|---------|
| Total: | \$6,017 |
|--------|---------|

The additional work included two additional site visits by the Project Manager and one by the Structural Engineer, additional research on the various types of elevators, analysis if the various elevators would fit within the House footprint, graphics, and response correspondence. Staff was not aware of the additional cost impact of this work, and has advised the consultant that in the future any anticipated increase in the contract must be brought to the City before incurring the costs.

As a result in the delay of selecting an elevator location (approx. two months), IR couldn't complete the base drawings to provide to the Mechanical, Electrical, and Plumbing (MEP) consultant without knowing the elevator location or knowing if utilities

would have to be re-routed. Because of the delay, the MEP consultant reallocated their staff to other work which is further delaying completion of the drawing. IR is currently rescheduling a time with the MEP to complete the drawings.

IR Inc is schedule to provide the City with the improvement costs and the design and specification within the next two month, pending no further delays.

FISCAL IMPACT

The originally approved contract was for the amount of \$85,380. This amendment will increase the contract by \$6,017 for a total of \$91,397. A total of \$46,574 has been paid through July 30, 2019.

The additional \$6,017 is to come from the General Fund Fund Balance.

ATTACHMENTS

- A. Resolution
- B. IR Contract Amendment

RESOLUTION NO. 2019-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, APPROVING AN AMENDMENT TO THE CONTRACT WITH INTERACTIVE RESOURCES INC FOR PREPERATION OF DESIGN AND SPCIFICATIONS FOR THE FAIRA HOUSE IN AN ADDITIONAL AMOUNT OF \$6,017 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED 95,061, AND AMENDING THE BUDGET APPROPRIATION

WHEREAS, the Faria House, located at 2100 San Pablo Avenue, is one of the oldest structures in the City of Pinole; and

WHEREAS, since the City acquired the Faria House, there have been ongoing discussions regarding turning the property into a museum celebrating the history of Pinole; and

WHEREAS, the City Council approved use of the Faria House as a museum and the Pinole History Museum Board, a California non-profit benefit corporation, desires to operate a history museum out of the Faria House; and

WHEREAS, renovations are required in order to make the Faria House accessible to the public for any use; and

WHEREAS, on June 19, 2018, the City approved a contract with Interactive Resources Inc in the amount of \$85,380 for preparation of Architectural Design services; and

WHEREAS, the City Council desires to amend the contract with Interactive Resources for an additional \$6,017 for additional services needs to complete the design and specifications in order for the project to be ready to bid; and

WHEREAS, the additional cost for a contract is to be funded from the General Fund Fund Balance.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Pinole does hereby:

1. Approve an amendment to the contract with Interactive Resources Inc. for an additional amount of \$6,017, for a total contract amount not to exceed \$95,061; and
2. Authorize the Finance Director to appropriate \$6,017 from Fund 100 – General Fund Fund Balance.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pinole held on the 17th day of September 2019, by the following vote:

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

I hereby certify that the foregoing resolution was regularly introduced, passed, and adopted on the 17th day of September, 2019.

Heather Iopu, CMC
City Clerk

**AMENDMENT TO THE
CONSULTING SERVICES AGREEMENT
BETWEEN THE CITY OF PINOLE AND
INTERACTIVE RESOURCES INTERNATIONAL**

This Amendment to the Consulting Services Agreement dated June 20, 2018 (the "Agreement"), between the City of Pinole, a general law city and municipal corporation, ("City") and Interactive Resources International ("Consultant") (together sometimes referred to as "Parties") is approved as of the date executed below.

Effect of Amendment. The terms and conditions of this Amendment are intended by the Parties to modify the Agreement. To the extent there is any inconsistency between the terms of this Amendment and the terms of the Agreement and/or its Appendix, the terms of this Amendment shall control.

3. Compensation

- 1. Fees and Invoices.** CONSULTANT fees shall not exceed \$91,397. CONSULTANT shall submit invoices to CITY not more often than once per month during the term of this Agreement. Invoices shall contain: (i) the beginning and ending dates of the billing period; (ii) a description of the work performed during the billing period; and (iii) the total amount payable.

With the exception of the foregoing, all other terms and conditions in the Services Agreement, dated June 20, 2018, remain in force and effect.

The Parties have executed this Amendment to the Agreement as of the date signed by the City

City of Pinole

Contractor

Michelle Fitzer
City Manager

Dated: _____

Dated: _____

Approved as to Form

Attest:

Eric S. Casher
City Attorney

Heather Iopu, CMC
City Clerk

Dated: _____

Dated: _____



**INTERACTIVE
RESOURCES**
architects + engineers

Additional Service Request

IR Job #: 2018-040-01
Contact: Hector Rosa
City of Pinole
Address: 2131 Pear Street
Pinole, CA 94564
Email: hdelarosa@ci.pinole.ca.us

Client's Job name: Faria House Interior Rehabilitation
Client's Job #:
Request Date: 9/4/2019
Add. Request #: 1

Original Contract Date: 6/20/2018

Interactive Resources requests authorization to make the following client requested drawing scope or specifications changes:

Construction Documents - additional hours for elevator issue and additional structural site visit.

Fee Adjustment Requested:

Interactive Resources

| | Rate | Hour(s) | Total |
|---------------------|------|---------|-------|
| President | | | 0 |
| Architect | 160 | 27.75 | 4440 |
| Structural Engineer | 185 | 1.5 | 277.5 |
| Drafter | 120 | 8.5 | 1020 |

Amount

Reimbursables (mileage, printing, postage etc.)

| | |
|--|---|
| | 0 |
|--|---|

Consultants

| | |
|---|---|
| | |
| 0 | |
| 0 | - |

Additional Fee for above change is: \$ 5,737.50

Interactive Resources Agrees to execute the changes described above for the fee adjustment shown.

IR Authorized Signature

9/4/2019

Date

Client's Authorized Signature

Date



CITY COUNCIL REPORT

10A

DATE: SEPTEMBER 17, 2019

TO: MAYOR AND COUNCIL MEMBERS

**FROM: ANDREA MILLER, FINANCE DIRECTOR
TAMARA MILLER, DEVELOPMENT SERVICES DIRECTOR/
CITY ENGINEER**

**SUBJECT: APPROVE THE CITY OF PINOLE FISCAL YEAR (FY) 2019-20
THROUGH 2023-24 FIVE-YEAR CAPITAL IMPROVEMENT PLAN
AND ADOPT THE FY 2019-20 CAPITAL BUDGET**

RECOMMENDATION

It is recommended that the Council approve the Fiscal Year (FY) 2019-20 through 2023-24 Five-Year Capital Improvement Plan and Adopt the FY 2019-20 Capital Budget.

BACKGROUND

As provided by Section 2.04.150 of Title 2 of the Pinole Municipal Code, the City 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. 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 2019-20 through 2023-24 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 AND ANALYSIS

The Proposed FY 2019-20 through 2023-24 Five-Year Capital Improvement Plan was reviewed by the Finance Subcommittee at their August 21, 2019 meeting, and by the Planning Commission at their August 26, 2019 meeting.

At the August 21st Finance Subcommittee meeting, it was recommended to add funding for the following projects:

- Fowler House Lot Reuse - \$200,000
- Pinole Valley Park Soccer Field Rehabilitation - \$200,000
- Fernandez Park Baseball Field Rehabilitation - \$200,000

Funding for these projects would need to come from Measure S 2014 fund balance.

Capital Improvement Plan Funding

The Capital Improvement Plan is funded primarily with funds restricted for specific purposes. Listed below are various funding sources and their restrictions:

| Funding Source | Description |
|--------------------------------|--|
| Measure S 2014 Fund - 106 | 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. |
| Gas Tax Fund - 200 | 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. |
| Measure J Fund - 215 | Accounts for special override sales tax revenues collected by Contra Costa Transportation Authority (CCTA) and reapportioned to cities for local street projects. |
| Parkland Dedication – 275 | Accounts for impact fees received from developers paid under the Quimby Act. These funds are disbursed for approved park projects. |
| Growth Impact Fees - 276 | Accounts for impact fees received from building activities and used to offset costs associated with City growth. |
| City Street Improvements - 325 | Accounts for funds set aside by the City of Pinole to fund street improvement projects. |
| Park Grants - 327 | Accounts for funds received from a federal bond for park projects. |

| Funding Source | Description |
|-------------------------------------|---|
| Arterial Street Rehabilitation -377 | Accounts for funds set aside by the City of Pinole to fund arterial street rehabilitation projects. |
| Sewer Enterprise Fund - 500 | 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. |
| Sewer Plant Expansion Fund - 503 | Accounts for fees charged to residents and businesses for sewer utilities set aside specifically for plant upgrades. |

FY 2018-19 Completed Projects

Due to the amount of time required for the WPCP Upgrade Project and various development projects, numerous priority assignments on the list of completed projects are constrained again this year. The completed projects include:

- 2548 Charles Ave. (Fowler House) Demolition and Remove Asbestos
- Replaced lighting at Louis Frances Park
- Installed Trash Capture Devices – New Area
- Purchased New Street Sweeper - Street Sweeping Schedule is available on City's website at:
https://www.ci.pinole.ca.us/city_government/public_works/streets_and_roads/street_sweeping_schedule
- Tree Maintenance and Removal (Various Locations)
- Water Pollution Control Plant Upgrade (Substantial completion September 2019)
- Public Safety HVAC Repair
- Miscellaneous Roadway Repair (Various Locations)
- Sidewalk Maintenance (Various Locations)
- Sign Replacement (Various Locations)

Prior Year Projects Carried Forward

As noted above, Fiscal Year 2018-19 activities were primarily focused on the \$54 million Water Pollution Control Plant Upgrade Project, which is now anticipated to be substantially completed by September 2019. In addition, the following projects were planned for FY 2018-19 and are either partially completed, or were not initiated, and are recommended for action in FY 2019-20.

- | | |
|---|-----------|
| • Replace HVAC and portion of Roof at Senior Center | \$110,000 |
| • Rehabilitation of Play Fields at Fernandez Park | \$40,000 |
| • Replace Chips with Rubber Matting at select parks | \$50,000 |
| • Restrooms in Fernandez Park (in progress) | \$333,603 |

| | |
|---|-------------|
| • Senior Center Parking Lot Maintenance (now complete) | \$67,196 |
| • Hazel Street Pump Station Rehabilitation | \$1,200,000 |
| • Inflow and Infiltration Monitoring Program | \$60,000 |
| • Inflow and Infiltration Rehabilitation Program: Basin 3.1 | \$350,000 |
| • Rodeo Outfall | \$242,342 |
| • Storm Drainage Master Plan – Carried forward over three years | \$25,000 |
| • Pavement Maintenance and Rehab Program (in progress) | \$2,079,959 |
| • San Pablo Avenue Pedestrian Bridge – Engineering/Design | \$999,753 |
| • Sharrow Pavement Markings | \$19,000 |

Prior Year Projects Deferred Until FY 2020-21

| | |
|---|-----------|
| • Citywide Roof repairs and Replacement | \$272,000 |
| • Paint City Hall (inside and out) | \$70,000 |
| • Pinole Valley Road Underground District | \$5,750 |

New Projects

The Capital Improvement Plan includes funding for a previously unfunded project, Replace HVAC at City Hall, in the amount of \$120,000. In addition, \$695,000 in funding for three other new projects listed below is included in the FY 2019-20 capital budget for a total of. Finally, funding of \$600,000 for the projects recommended by the Finance Subcommittee is also included. That brings the total for new projects to \$1,415,000.

| | |
|---|-----------|
| • Replace HVAC at City Hall – Previously unfunded | \$120,000 |
| • Fowler House Reuse | \$200,000 |
| • Pinole Valley Park Soccer Field Rehabilitation | \$200,000 |
| • Fernandez Park Baseball Field Rehabilitation | \$200,000 |
| • Hazel Street Drainage Improvements | \$200,000 |
| • City Street Paving Equipment | \$395,000 |
| • Pedestrian Improvements at Tennent – Engineering & Planning | \$100,000 |

The following projects are included which do not have an identified funding source:

| | |
|--|-----------|
| • Prepare a Park Master Plan | \$55,000 |
| • Uniform Park Signage | \$35,000 |
| • Roble Road Drainage Improvements | \$200,000 |
| • Hazel Street Gap Closure – Partially funded in FY2019-20 | \$18,500 |

Detailed project description sheets for projects that exceed \$100,000, and those of specific community interest, are included within the Capital Improvement Plan. Projects that include a project description sheet are highlighted in green.

FISCAL IMPACT

The Proposed FY 2019-20 through 2023-24 Five-Year Capital Improvement Plan includes \$18.1 million in identified projects of which, \$308,500 are listed as unfunded. Staff is requesting Council to adopt budget appropriations for the first year of the Plan which constitutes the Proposed FY 2019-20 CIP Budget in the amount of \$9,296,317. This amount includes \$1.250 million for the Water Pollution Control Plant expansion project, which is near completion.

| SOURCES BY FUND | FY 2019-20 Revenue | FY 2019-20 Request | Use of Fund Balance |
|--------------------------------|-----------------------|-----------------------|------------------------|
| Measure S 2014 - 106 | 192,000 | 1,497,799 | 1,305,799 |
| Gas Tax - 200 | 100,000 | 837,118 | 737,118 |
| Measure J - 215 | 120,000 | 209,650 | 89,650 |
| Parkland Dedication - 275 | - | 15,509 | 15,509 |
| Growth Impact Fees – 276 | - | 39,500 | 39,500 |
| City Street Improvements - 325 | 100,000 | 1,928,889 | 1,828,889 |
| Park Grants - 327 | - | 24,491 | 24,491 |
| Arterial Street Rehab - 377 | 250,000 | 1,141,019 | 891,019 |
| Sewer Enterprise - 500 | 942,342 | 2,352,342 | 1,410,000 |
| Sewer Plant Expansion - 503 | 1,250,000 | 1,250,000 | - |
| Sources Total | 2,954,342 | 9,296,317 | 6,341,975 |

There is sufficient Fund Balance in each of these sources to cover the requests. If approved as proposed, the CIP will necessitate an amendment to the Measure S 2014 5-Year Plan previously adopted. If needed, Staff will bring forward an agenda item on October 1st.

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.

ATTACHMENTS

A – FY 2019-20 through 2023-24 Five-Year Capital Improvement Plan

B – Resolution Approving the FY 2019-20 through 2023-24 Five-Year Capital Improvement Plan and Adopting the FY 2019-20 Capital Budget

C – CIP PowerPoint Presentation

CAPITAL IMPROVEMENT PLAN

Mission

The Capital Improvement Plan (CIP) sets the schedule within which public improvements are proposed to be undertaken. The five-year schedule represents estimated future capital needs that may be funded given projected revenue estimates. The CIP is reviewed and revised annually. Capital expenditures that are expected to have matching revenue are included in the Annual Operating Budget that is presented to the City Council as part of the annual budget process in June.

Program Description

A Capital Improvement Plan is a major public infrastructure and planning tool for municipalities. The CIP is a statement of the City's policies and financial abilities to manage the physical development of the community. The development of a five-year CIP provides a systematic plan for providing infrastructure improvements within a prioritized framework.

Capital Projects completed:

- 2548 Charles Ave. (Fowler House) Demolition and Remove Asbestos
- Replaced lighting at Louis Frances Park
- Installed Trash Capture Devices – New Area
- Purchased New Street Sweeper
- Tree Maintenance and Removal (Various Locations)
- Water Pollution Control Plant Upgrade (Substantial completion September 2019)
- Public Safety HVAC Repair
- Miscellaneous Roadway Repair (Various Locations)
- Sidewalk Maintenance (Various Locations)
- Sign Replacement (Various Locations)

Key Objectives

Facility Maintenance: Replace HVAC at City Hall and Senior Center

- Funding: Measure S 2014

Parks: Replace Restrooms in Fernandez Park

- Funding: Measure S 2014

Sewer Collection: Sewer Pump Station Rehabilitation

- Funding: Sewer Enterprise fund

Sewer Treatment: Upgrades to Wastewater Treatment Plant

- Funding: Sewer Plant Expansion fund

Streets and Roadways: Residential Slurry Seal and Rehabilitation Program

- Funding: Gas Tax/Road Maintenance and Rehabilitation/SB1 funds

Streets and Roadways: Pavement Maintenance and Rehabilitation Program

- Funding: City Street Improvements and Arterial Street Rehabilitation funds



City of Pinole Proposed FY 2019-20 through 2023-24 Five-Year Capital Improvement Plan

| SOURCES BY FUND | FY 2019-20 | FY 2020-21 | FY 2021-22 | FY 2022-23 | FY 2023-24 | 5-Year Total |
|----------------------------------|--------------|--------------|--------------|--------------|--------------|---------------|
| Measure S 2014 - 106 | 1,497,799 | 517,000 | 315,000 | 150,000 | 150,000 | \$ 2,479,799 |
| Gas Tax - 200 | 837,118 | 370,850 | 315,100 | 315,100 | 315,100 | \$ 1,838,168 |
| Measure J - 215 | 209,650 | 810,103 | - | - | - | \$ 1,019,753 |
| Parkland Dedication - 275 | 15,509 | - | - | - | - | \$ 15,509 |
| Growth Impact Fees - 276 | 39,500 | - | - | - | - | \$ 39,500 |
| City Street Improvements - 325 | 1,928,889 | 1,968,897 | 250,000 | 250,000 | 250,000 | \$ 4,397,786 |
| Park Grants - 327 | 24,491 | - | - | - | - | \$ 24,491 |
| 2014 Arterial Street Rehab - 377 | 1,141,019 | 250,000 | 250,000 | 250,000 | 250,000 | \$ 1,891,019 |
| Sewer Enterprise - 500 | 2,352,342 | 550,000 | 350,000 | 350,000 | 350,000 | \$ 3,602,342 |
| Sewer Plant Expansion - 503 | 1,250,000 | - | - | - | - | \$ 1,250,000 |
| Sources Total | 9,296,317 | 4,466,850 | 1,480,100 | 1,315,100 | 1,315,100 | \$ 16,558,367 |
| Unfunded Total | 18,500 | 200,000 | \$90,000 | - | - | \$ 308,500 |
| Total Sources Required | \$ 9,314,817 | \$ 4,666,850 | \$ 1,570,100 | \$ 1,315,100 | \$ 1,315,100 | \$ 18,181,967 |

PRJ # USES BY PROJECT FY 2019-20 FY 2020-21 FY 2021-22 FY 2022-23 FY 2023-24 Budget Unit Account # Funding Source

| | | | | | | | | | |
|--------|--|-----------|-----------|-----------|--|--|------------|--|--------------------|
| FA1702 | Citywide Roof repairs and replacement | | \$272,000 | \$140,000 | | | Facilities | 106-343-47201 | Measure S 2014 |
| FA1703 | Paint City Hall (Inside and Outside) | | \$70,000 | | | | Facilities | 106-343-47201 | Measure S 2014 |
| FA1706 | Replace HVAC and a portion of roof at Senior Center | \$110,000 | | | | | Facilities | 106-343-47201 | Measure S 2014 |
| FA1801 | Replace HVAC at City Hall | \$120,000 | | | | | Facilities | 106-343-47201 | Measure S 2014 |
| FA1901 | Fowler House Lot Reuse | \$200,000 | | | | | Facilities | 106-343-47201 | Measure S 2014 |
| PA1704 | Prepare a Park Master Plan | | | \$55,000 | | | Parks | | Unfunded |
| PA1705 | Rehabilitation of Play Fields at Fernandez Park | \$40,000 | | | | | Parks | 275-345-47203 \$15,509 327-345-47203 \$24,491 | Park Impact/Grants |
| PA1706 | Replace Chips with Rubber Matting at select park locations | \$50,000 | | | | | Parks | 106-345-47203 | Measure S 2014 |
| PA1708 | Restrooms in Fernandez Park | \$333,603 | | | | | Parks | 106-345-47203 | Measure S 2014 |



City of Pinole Proposed FY 2019-20 through 2023-24 Five-Year Capital Improvement Plan

| PRJ # | USES BY PROJECT | FY 2019-20 | FY 2020-21 | FY 2021-22 | FY 2022-23 | FY 2023-24 | Budget Unit | Account # | Funding Source |
|--------|---|-------------|------------|------------|------------|------------|------------------|---|---|
| PA1709 | Senior Center Parking Lot Pavement Maintenance | \$67,196 | | | | | Parks | 106-345-47203 | Measure S 2014 |
| PA1710 | Uniform Park Signage | | | \$35,000 | | | Parks | | Unfunded |
| PA1901 | Pinole Valley Park Soccer Field Rehabilitation | \$200,000 | | | | | Parks | 106-345-47203 | Measure S 2014 |
| PA1902 | Fernandez Park Baseball Field Rehabilitation | \$200,000 | | | | | Parks | 106-345-47203 | Measure S 2014 |
| SS1702 | Sewer Pump Station Rehabilitation | \$1,000,000 | \$200,000 | | | | Sewer Collection | 500-642-47201 | Sewer Enterprise |
| SS1703 | Inflow and Infiltration Rehabilitation Program | \$60,000 | | | | | Sewer Collection | 500-642-47201 | Sewer Enterprise |
| SS1704 | Inflow and Infiltration Rehabilitation Program; Basin 3.1 | \$350,000 | | | | | Sewer Collection | 500-642-47201 | Sewer Enterprise |
| SS1705 | Inflow and Infiltration Rehabilitation Program; Basin 5.2 and 6.5 | \$350,000 | | | | | Sewer Collection | 500-642-47201 | Sewer Enterprise |
| SS1707 | Upgrades to Wastewater Treatment Plant | \$1,250,000 | | | | | Sewer Treatment | 503-643-47201 | Sewer Expansion |
| SS1801 | Inflow and Infiltration Rehabilitation Project | \$350,000 | \$350,000 | \$350,000 | \$350,000 | \$350,000 | Sewer Collection | 500-642-47201 | Sewer Enterprise |
| SS1802 | Rodeo Outfall Project | \$242,342 | | | | | Sewer Treatment | 500-641-47201 | Sewer Enterprise |
| SW1702 | Annual Stormwater Collection System Rehabilitation | \$0 | \$0 | \$150,000 | \$150,000 | \$150,000 | Stormwater | 106-344-47206 | Measure S 2014 |
| SW1901 | Hazel Street Drainage Improvements | \$200,000 | | | | | Stormwater | 106-344-47206 \$192,000 276-344-47206 \$8,000 | Measure S 2014/ Impact Fees |
| SW2001 | Roble Road Drainage Improvements | \$0 | \$200,000 | \$0 | \$0 | \$0 | Stormwater | 276-344-47206 | Impact Fees/ Unfunded |
| SW2002 | Adobe Road Repair and Drainage Improvements | \$0 | \$150,000 | \$0 | \$0 | \$0 | Stormwater | 106-344-47206 | Measure S 2014 |
| SW1703 | Storm Drainage Master Plan | \$25,000 | \$25,000 | \$25,000 | | | Stormwater | 106-344-42101 | Measure S 2014 |
| RO1707 | Pavement Maintenance and Rehabilitation Program | \$2,432,923 | \$815,100 | \$815,100 | \$815,100 | \$815,100 | Roads | 325-342-47205 \$899,786 377-342-47205 \$796,019 200-342-47205 \$737,118 | City Street Improv Gas Arterial Rehab Tax-RMRA |
| RO1708 | Pinole Valley Road Improvements | \$50,000 | \$50,000 | | | | Roads | 200-342-47205 | Gas Tax |
| RO1709 | Pinole Valley Road Underground District | | \$5,750 | | | | Roads | 200-342-47205 | Gas Tax |

ATTACHMENT A



City of Pinole Proposed FY 2019-20 through 2023-24 Five-Year Capital Improvement Plan

| PRJ # | USES BY PROJECT | FY 2019-20 | FY 2020-21 | FY 2021-22 | FY 2022-23 | FY 2023-24 | Budget Unit | Account # | Funding Source |
|------------------------------|--|--------------------|--------------------|--------------------|--------------------|--------------------|---------------------|---|---------------------------------------|
| RO1710 | San Pablo Avenue Bridge over BNSF Railroad ** | \$999,753 | \$1,867,000 | | | | Roads | 215-342-47205 \$70,650 325-342-47205 \$929,103 | Measure J/CCTA TLC & State Funding |
| RO1713 | Sharrow Pavement Markings | \$19,000 | | | | | Roads | 215-342-47205 | Measure J |
| RO1714 | HAWK at Appian Way and Marlesta | \$120,000 | | | | | Roads | 215-342-47205 | Measure J/CCTA TLC Grant |
| RO1801 | San Pablo Avenue Rehabilitation | | \$662,000 | | | | Roads | 325-342-47205 \$76,000 215-342-47205 \$586,000 | Measure J/CCTA OBAG 2 Grant |
| RO1802 | Hazel Street Gap Closure (Sunnyview) | \$50,000 | | | | | Roads | 276-344-47205 \$31,500 Unfunded \$18,500 | Impact Fees Unfunded |
| RO1901 | City Street Paving Equipment | \$395,000 | | | | | Roads | 377-342-47205 \$345,000 200-342-47205 \$50,000 | City Street Improv Gas Tax - RMRA |
| RO1902 | Pedestrian Improvements at Tennent (Engineering and planning Only) - Bay Trail Gap | \$100,000 | | | | | Roads | 325-342-47205 | WCCTAC STMP Fees Grant - Pending |
| Uses by Project Total | | \$9,314,817 | \$4,666,850 | \$1,570,100 | \$1,315,100 | \$1,315,100 | \$18,181,968 | 5-Year Total | |

LEGEND:

- Items highlighted in blue are unfunded projects.
- Project numbers highlighted in green indicate a project description sheet is provided.
- Items highlighted in orange indicate a project is carried over from prior fiscal year.
- Items highlighted in purple are new projects, or new funding allocations in FY 2019-20.

• 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 2019-20 through 2023-24

Project: Citywide Roof Repairs and Replacement

Description: Roof Repair and Replacement on Building 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. The inspection identified several of the roofs needed to be replaced by the end of FY 2020-21.

Project Number: FA1702

Projected Timing:
 Estimated Start Date: July 2020
 Estimated End Date: June 2022

Total Estimated Cost:

Planning and Design:
 Engineering and Administrative: \$412,000
 Construction:
 Equipment:
 Contingency:
 Total:

\$ 412,000

Funding Source:

| | Prior Actual | FY 2019-20 Proposed | FY 2020-21 Proposed | FY 2021-22 Proposed | FY 2022-23 Proposed | FY 2023-24 Proposed |
|----------------------|--------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Measure S 2014 - 106 | - | - | \$272,000 | \$140,000 | - | - |
| | - | - | - | - | - | - |
| Total | - | - | \$272,000 | \$140,000 | - | - |

Measure S 2014 - 106

Total



160 of 200
I-6

City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

Project: Restrooms in Fernandez Park

Description: Replace Restrooms in Fernandez Park

Justification: The existing restroom is beyond its useful life. It has been rehabilitated several times. Currently, the concrete flooring and block walls can no longer be kept clean and odor free. New restroom facilities will provide better accessibility for all park users.



Project Number: PA1708

Projected Timing:
 Estimated Start Date: June 2018
 Estimated End Date: December 2019

Total Estimated Cost:

| | |
|---------------------------------|-------------------|
| Planning and Design: | \$ - |
| Engineering and Administrative: | \$ 24,205 |
| Construction: | \$ 318,603 |
| Equipment: | \$ - |
| Contingency: | \$ 15,000 |
| Total: | \$ 357,808 |

Funding Source:

| | Prior Actual | FY 2019-20 Proposed | FY 2020-21 Proposed | FY 2021-22 Proposed | FY 2022-23 Proposed | FY 2023-24 Proposed |
|----------------------|---------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Measure S 2014 - 106 | 24,205 | \$333,603 | - | - | - | - |
| Total | 24,205 | \$333,603 | - | - | - | - |

City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

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 2019
Estimated End Date: June 2020



Total Estimated Cost:

| | |
|---------------------------------|-------------------|
| Planning and Design: | \$ - |
| Engineering and Administrative: | \$ - |
| Construction: | \$ 200,000 |
| Equipment: | \$ - |
| Contingency: | \$ - |
| Total: | \$ 200,000 |

Funding Source:

| Prior Actual | FY 2019-20 Proposed | FY 2020-21 Proposed | FY 2021-22 Proposed | FY 2022-23 Proposed | FY 2023-24 Proposed |
|--------------|---------------------|---------------------|---------------------|---------------------|---------------------|
|--------------|---------------------|---------------------|---------------------|---------------------|---------------------|

Measure S 2014 - 106

| | | | | | |
|---|---------|---|---|---|---|
| - | 200,000 | - | - | - | - |
|---|---------|---|---|---|---|

Total

| | | | | | |
|---|---------|---|---|---|---|
| - | 200,000 | - | - | - | - |
|---|---------|---|---|---|---|

City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

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 2019
Estimated End Date: June 2020



Total Estimated Cost:

| | |
|---------------------------------|-------------------|
| Planning and Design: | \$ - |
| Engineering and Administrative: | \$ - |
| Construction: | \$ 200,000 |
| Equipment: | \$ - |
| Contingency: | \$ - |
| Total: | \$ 200,000 |

Funding Source:

| | Prior Actual | FY 2019-20 Proposed | FY 2020-21 Proposed | FY 2021-22 Proposed | FY 2022-23 Proposed | FY 2023-24 Proposed |
|--|--------------|---------------------|---------------------|---------------------|---------------------|---------------------|
|--|--------------|---------------------|---------------------|---------------------|---------------------|---------------------|

Measure S 2014 - 106

| | | | | | | |
|---|---------|---|---|---|---|---|
| - | 200,000 | - | - | - | - | - |
|---|---------|---|---|---|---|---|

Total

| | | | | | | |
|---|---------|---|---|---|---|---|
| - | 200,000 | - | - | - | - | - |
|---|---------|---|---|---|---|---|

City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24



Project: Prepare 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 serves can support the City in providing a platform for responding strategically to grants and other opportunities.

Project Number: PA1704

Projected Timing:
Estimated Start Date: July 2021
Estimated End Date: June 2022

Total Estimated Cost:
Planning and Design: \$ 55,000
Engineering and Administrative:
Construction:
Equipment:
Contingency:
Total: \$ 55,000


| Funding Source: | Prior | FY 2019-20 | FY 2020-21 | FY 2021-22 | FY 2022-23 | FY 2023-24 |
|------------------------|---------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| | Actual | Proposed | Proposed | Proposed | Proposed | Proposed |
| Unfunded | - | - | - | \$55,000 | - | - |
| Total | <u>-</u> | <u>-</u> | <u>-</u> | <u>\$55,000</u> | <u>-</u> | <u>-</u> |

City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

Project: Uniform Park Signage

Description: Develop a uniform signage approach to all parks including linear parks. Upgrade signs throughout park

Justification: Signage throughout the park system has evolved over time to a patchwork of effective by plain and sometimes aging signage. Recent activities in the area of Pinole Creek has illustrated that signage is a desirable component of the park system. Friends of Pinole Creek has expressed a desire for very artistic signage. A unified approach is also



Project Number: PA1710

Projected Timing:
Estimated Start Date: July 2021
Estimated End Date: June 2022

Total Estimated Cost:
Planning and Design:
Engineering and Administrative:
Construction: \$ 35,000
Equipment:
Contingency:
Total: \$ 35,000

| Funding Source: | Prior Actual | FY 2019-20 | | FY 2020-21 | | FY 2021-22 | | FY 2022-23 | | FY 2023-24 | |
|-----------------|--------------|------------|---|------------|---|-----------------|---|------------|---|------------|---|
| | | Proposed | | Proposed | | Proposed | | Proposed | | Proposed | |
| Unfunded | - | - | - | - | - | \$35,000 | - | - | - | - | - |
| Total | - | - | - | - | - | \$35,000 | - | - | - | - | - |

City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

Project: Sewer 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 2018
 Estimated End Date: August 2020

Total Estimated Cost:

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

Funding Source:

| | Prior Actual | FY 2019-20 Proposed | FY 2020-21 Proposed | FY 2021-22 Proposed | FY 2022-23 Proposed | FY 2023-24 Proposed |
|----------------------------|--------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Sewer Enterprise Fund- 500 | - | \$1,000,000 | \$200,000 | - | - | - |
| Total | - | \$1,000,000 | \$200,000 | - | - | - |



City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

ATTACHMENT A

Project: Inflow and Infiltration Monitoring Program

Description: Additional focused monitoring and testing of the sewer collection system to refine work efforts.

Justification: The August 2015 I/I Study recommended that monitoring during storm events be conducted to pinpoint projects for focused improvement to mitigate storm water inflow.

Project Number: SS1703

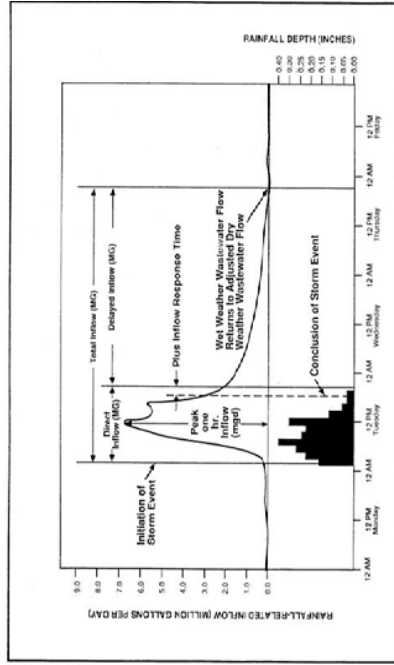
Projected Timing:
 Estimated Start Date: July 2019
 Estimated End Date: June 2020

Total Estimated Cost:

| | |
|---------------------------------|------------------|
| Planning and Design: | \$ 60,000 |
| Engineering and Administrative: | \$ - |
| Construction: | \$ - |
| Equipment: | \$ - |
| Contingency: | \$ - |
| Total: | \$ 60,000 |

Funding Source:

| | | | | | | |
|----------------------------|--------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| | Prior Actual | FY 2019-20 Proposed | FY 2020-21 Proposed | FY 2021-22 Proposed | FY 2022-23 Proposed | FY 2023-24 Proposed |
| Sewer Enterprise Fund- 500 | - | \$60,000 | - | - | - | - |
| Total | - | \$60,000 | - | - | - | - |



City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

Project: Inflow and Infiltration Rehabilitation Program; Basin 3.1

Description: Improvements to the collection system, Target location Basin 3.1, to reduce inflow and infiltration (I/I).

Justification: Pinole has fairly high I/I rates within the sewer collection system resulting from storm water inflow and infiltration. Targeted improvements to the wastewater collection system can reduce treatment cost and free capacity for expanded uses. Studies have already targeted several areas of the collection system that warrant improvements.

Project Number: SS1704

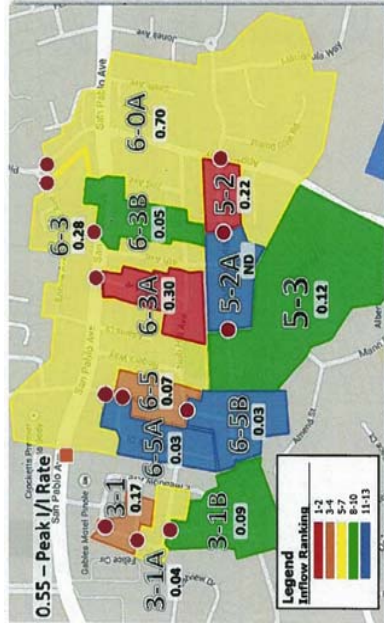
Projected Timing:
 Estimated Start Date: July 2019
 Estimated End Date: June 2020

Total Estimated Cost:

| | |
|---------------------------------|-------------------|
| Planning and Design: | \$ - |
| Engineering and Administrative: | \$ 30,000 |
| Construction: | \$ 300,000 |
| Equipment: | \$ - |
| Contingency: | \$ 20,000 |
| Total: | \$ 350,000 |

Funding Source:

| | Prior | FY 2019-20 | FY 2020-21 | FY 2021-22 | FY 2022-23 | FY 2023-24 |
|----------------------------|--------|------------------|------------|------------|------------|------------|
| | Actual | Proposed | Proposed | Proposed | Proposed | Proposed |
| Sewer Enterprise Fund- 500 | - | \$350,000 | - | - | - | - |
| Total | - | \$350,000 | - | - | - | - |



City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

Project: Inflow and Infiltration Rehabilitation Program; Basin 5.2 and 6.5

Description: Improvements to the collection system, Basin 5.2 and 6.5 to reduce storm water inflow.

Justification: Pinole has fairly high inflow rates within the sewer collection system resulting from storm water inflow. Targeted improvements to the wastewater collection system can reduce treatment cost and free capacity for expanded uses. Studies have already targeted several areas of the collection system that warrant improvements.

Project Number: SS1705

Projected Timing:

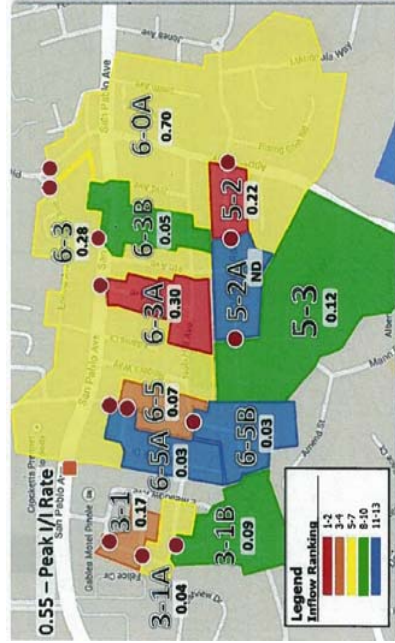
Estimated Start Date: July 2019
 Estimated End Date: June 2020

Total Estimated Cost:

| | |
|---------------------------------|-------------------|
| Planning and Design: | \$ - |
| Engineering and Administrative: | \$ 30,000 |
| Construction: | \$ 300,000 |
| Equipment: | \$ - |
| Contingency: | \$ 20,000 |
| Total: | \$ 350,000 |

Funding Source:

| | Prior | FY 2019-20 | FY 2020-21 | FY 2021-22 | FY 2022-23 | FY 2023-24 |
|----------------------------|--------|------------------|------------|------------|------------|------------|
| | Actual | Proposed | Proposed | Proposed | Proposed | Proposed |
| Sewer Enterprise Fund- 500 | - | \$350,000 | - | - | - | - |
| Total | - | \$350,000 | - | - | - | - |



City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

Project: Pinole-Hercules Water Pollution Control Plant Upgrade

Description: Complete upgrade to the Pinole Hercules Water Pollution Control Plant.

Justification: The upgrade is necessary for operational improvements and permit compliance.

Project Number: SS1707

Projected Timing:
 Estimated Start Date: May 2016
 Estimated End Date: December 2019

Total Estimated Cost: *

| | |
|----------------------|----------------------|
| Planning and Design: | \$ 2,851,789 |
| Engr/Admin: | \$ 5,005,211 |
| Construction: | \$ 43,143,000 |
| Equipment: | \$ - |
| Contingency: | \$ 3,500,000 |
| Total: | \$ 54,500,000 |

* 100 % of Project Cost shown, split equally with the City of Hercules

| Funding Source: | FY 2019-20 | | FY 2020-21 | | FY 2021-22 | | FY 2022-23 | | FY 2023-24 | |
|-----------------------------|------------|---------------------|--------------------|----------|------------|----------|------------|----------|------------|----------|
| | Prior | Actual | Proposed | Proposed | Proposed | Proposed | Proposed | Proposed | Proposed | Proposed |
| Sewer Plant Expansion - 503 | | \$26,665,191 | \$1,250,000 | - | - | - | - | - | - | - |
| * 50 % Pinole portion only | | | | | | | | | | |
| Total | | \$26,665,191 | \$1,250,000 | - | - | - | - | - | - | - |



City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

Project: Inflow and Infiltration Rehabilitation Project - Unassigned

Description: Annual improvements to the collection system to reduce storm water inflow.

Justification: Pinole has fairly high inflow rates within the sewer collection system resulting from storm water inflow. Targeted improvements to the wastewater collection system are expected by the Regional Water Quality Control Board (RWQCB). Further study will aid prioritizing and targeting areas of the collection system that warrant improvements.

Project Number: SS1801

Projected Timing:

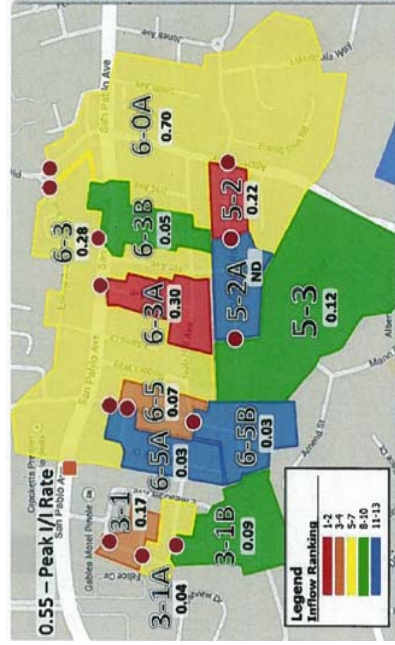
Estimated Start Date: July 2019
 Estimated End Date: June 2020

Total Estimated Cost:

| | |
|---------------------------------|-------------------|
| Planning and Design: | \$ - |
| Engineering and Administrative: | \$ 30,000 |
| Construction: | \$ 300,000 |
| Equipment: | \$ - |
| Contingency: | \$ 20,000 |
| Total: | \$ 350,000 |

Funding Source:

| | Prior | FY 2019-20 | FY 2020-21 | FY 2021-22 | FY 2022-23 | FY 2023-24 |
|----------------------------|----------|------------------|------------------|------------------|------------------|------------------|
| | Actual | Proposed | Proposed | Proposed | Proposed | Proposed |
| Sewer Enterprise Fund- 500 | - | \$350,000 | \$350,000 | \$350,000 | \$350,000 | \$350,000 |
| Total | - | \$350,000 | \$350,000 | \$350,000 | \$350,000 | \$350,000 |



City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24



Project: Rodeo Outfall Project

Description: Rodeo Sanitation District needs to replace the outfall valve, clean the outfall diffusers, and restore the cathodic protection system.

Justification: Rodeo Sanitation operates and maintains a deep water outfall which is used by Pinole-Hercules WPCP. The outfall was recently inspected as required by the facility permit. The inspection report states this work is needed. There is a pre-established cost sharing agreement.

Project Number: SS1802

Projected Timing:

Estimated Start Date: July 2018

Estimated End Date: June 2020

Total Estimated Cost:

| | |
|-----------------------------|-------------------|
| Planning and Design: | \$ 24,234 |
| Engineering/Administrative: | \$ - |
| Construction: | \$ 193,874 |
| Equipment: | \$ - |
| Contingency: | \$ 24,234 |
| Total*: | \$ 242,342 |

* Total cost is expected to be \$318,000: Split as follows (Pinole/Hercules)/Rodeo - (\$137,603/\$104,739)/\$75,659. Pinole will bill Hercules for their portion.

Funding Source:

| | Prior | FY 2020-21 | FY 2021-22 | FY 2022-23 | FY 2023-24 | FY 2024-25 |
|----------------------------|--------|------------------|------------|------------|------------|------------|
| | Actual | Proposed | Proposed | Proposed | Proposed | Proposed |
| Sewer Enterprise Fund- 500 | - | \$242,342 | - | - | - | - |
| | - | - | - | - | - | - |
| Total | - | \$242,342 | - | - | - | - |

City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

Project: Annual Stormwater Collection System Rehabilitation

Description: Rehabilitate existing stormwater collection system components to perform to current standards.

Justification: The existing system requires ongoing maintenance and rehabilitation. In some cases, additional capacity is needed. Failures or losses within the system can lead to other maintenance issues such as eroding embankments, and weakened roadways.



Project Number: SW1702

Projected Timing:
Estimated Start Date: Annual
Estimated End Date: Ongoing

Total Estimated Cost:
 Planning and Design: \$ 45,000
 Engineering and Administrative: \$ 360,000
 Construction:
 Equipment:
 Contingency: \$ 45,000
Total: \$ 450,000

| Funding Source: | Prior | FY 2019-20 | FY 2020-21 | FY 2021-22 | FY 2022-23 | FY 2023-24 |
|------------------------|---------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| | Actual | Proposed | Proposed | Proposed | Proposed | Proposed |
| Measure S 2014 - 106 | | \$0 | \$0 | \$150,000 | \$150,000 | \$150,000 |
| Total | - | \$0 | \$0 | \$150,000 | \$150,000 | \$150,000 |

City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

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 2019
Estimated End Date: June 2020

Total Estimated Cost:

| | |
|---------------------------------|-------------------|
| Planning and Design: | \$ 20,000 |
| Engineering and Administrative: | \$ 160,000 |
| Construction: | |
| Equipment: | |
| Contingency: | \$ 20,000 |
| Total: | \$ 200,000 |

Funding Source:

| | Prior | FY 2019-20 | FY 2020-21 | FY 2021-22 | FY 2022-23 | FY 2023-24 |
|--------------------------|--------|------------------|------------|------------|------------|------------|
| | Actual | Proposed | Proposed | Proposed | Proposed | Proposed |
| Measure S 2014 - 106 | - | \$192,000 | - | - | - | - |
| Growth Impact Fees - 276 | - | \$8,000 | - | - | - | - |
| Total | - | \$200,000 | - | - | - | - |

City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

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: | \$ 20,000 |
| Engineering and Administrative: | \$ 160,000 |
| Construction: | |
| Equipment: | \$ 20,000 |
| Contingency: | |
| Total: | \$ 200,000 |

Funding Source:

| Prior | FY 2019-20 | FY 2020-21 | FY 2021-22 | FY 2022-23 | FY 2023-24 |
|--------|------------|------------|------------|------------|------------|
| Actual | Proposed | Proposed | Proposed | Proposed | Proposed |

Growth Impact Fees - 276 - \$200,000 - - -

*Unfunded

Total - - \$200,000 - -

City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

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: \$ 15,000
 Engineering and Administrative: \$ 120,000
 Construction: \$ 15,000
 Equipment: \$ 15,000
 Contingency: \$ 150,000
Total: \$ 150,000

| Funding Source: | Prior | | FY 2019-20 | | FY 2020-21 | | FY 2021-22 | | FY 2022-23 | | FY 2023-24 | |
|------------------------|--------------|---|-------------------|------------------|-------------------|---|-------------------|---|-------------------|---|-------------------|---|
| | Actual | | Proposed | | Proposed | | Proposed | | Proposed | | Proposed | |
| Measure S 2014 - 106 | - | - | - | \$150,000 | - | - | - | - | - | - | - | - |
| Total | - | - | - | \$150,000 | - | - | - | - | - | - | - | - |

City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

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 2019
Estimated End Date: June 2022

Total Estimated Cost:

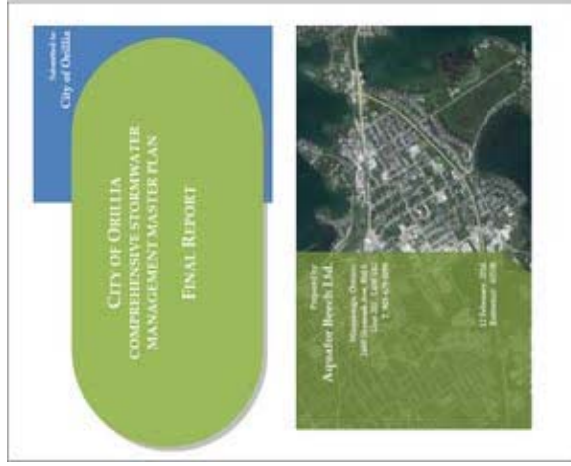
| | |
|---------------------------------|------------------|
| Planning and Design: | \$ 75,000 |
| Engineering and Administrative: | \$ - |
| Construction: | \$ - |
| Equipment: | \$ - |
| Contingency: | \$ - |
| Total: | \$ 75,000 |

Funding Source:

| | Prior | FY 2019-20 | FY 2020-21 | FY 2021-22 | FY 2022-23 | FY 2023-24 |
|--|--------|------------|------------|------------|------------|------------|
| | Actual | Proposed | Proposed | Proposed | Proposed | Proposed |

Measure S 2014 - 106 \$25,000 \$25,000 \$25,000 \$25,000

| | | | | | | |
|--------------|---|-----------------|---------------|---------------|---|---|
| Total | - | \$25,000 | 25,000 | 25,000 | - | - |
|--------------|---|-----------------|---------------|---------------|---|---|



City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

| | | | | | | | | | | |
|-----------------------------------|--|---|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|------------------|------------------|------------------|
| Project: | Pavement Maintenance and Rehabilitation Program | | | | | | | | | |
| Description: | Routine Road Maintenance Program limited to funds | | | | | | | | | |
| Justification: | <p>The Pavement Management Report completed March 2019 provides a Pavement Condition Index (PCI) for most roads within Pinole of 67. The Report helps identify roads, that because of their PCI, should receive pavement maintenance or rehabilitation with the intent of extending the useful life of the road. Funding availability is limited and insufficient to adequately maintain the PCI of the entire existing road system.</p> | | | | | | | | | |
| Project Number: | RO1707 | 2018-19 SB1 Projects: Residential Slurry Seal - \$136,328 Residential Rehabilitation - \$200,100 2019-20 SB1 Projects: Residential Slurry Seal - \$125,000 Residential Rehabilitation - \$201,719 2019-20 General Projects: Pavement Maintenance and Rehabilitation - \$1,769,776 | | | | | | | | |
| Projected Timing: | Annual | | | | | | | | | |
| Estimated Start Date: | Annual | | | | | | | | | |
| Estimated End Date: | Annual | | | | | | | | | |
| Total Estimated Cost: | | | | | | | | | | |
| Planning and Design: | \$ 683,199 | | | | | | | | | |
| Engineering and Administrative: | \$ 170,800 | | | | | | | | | |
| Construction: | \$ 4,156,126 | | | | | | | | | |
| Equipment: | \$ - | | | | | | | | | |
| Contingency: | \$ 683,199 | | | | | | | | | |
| Total: | \$ 5,693,323 | | | | | | | | | |
| Funding Source: | | Prior Actual | FY 2019-20 Proposed | FY 2020-21 Proposed | FY 2021-22 Proposed | FY 2022-23 Proposed | FY 2023-24 Proposed | | | |
| City Street Improvements - 325 * | | \$39,095 | \$899,786 | \$250,000 | \$250,000 | \$250,000 | \$250,000 | \$250,000 | \$250,000 | \$250,000 |
| Arterial Street Rehab - 377 * | | \$1,302 | \$796,019 | \$250,000 | \$250,000 | \$250,000 | \$250,000 | \$250,000 | \$250,000 | \$250,000 |
| Gas Tax (RMRA/SB1 Funds) - 200 ** | | \$1,408 | \$737,118 | \$315,100 | \$315,100 | \$315,100 | \$315,100 | \$315,100 | \$315,100 | \$315,100 |
| Total | | \$41,804 | \$2,432,923 | \$815,100 | \$815,100 | \$815,100 | \$815,100 | \$815,100 | \$815,100 | \$815,100 |

* Original funding source is Measure S 2014

** RMRA/SB1 funding is estimated pending confirmation of actual sources available. Project size will be adjusted to match funding available.



City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

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

Project Number: RO1709

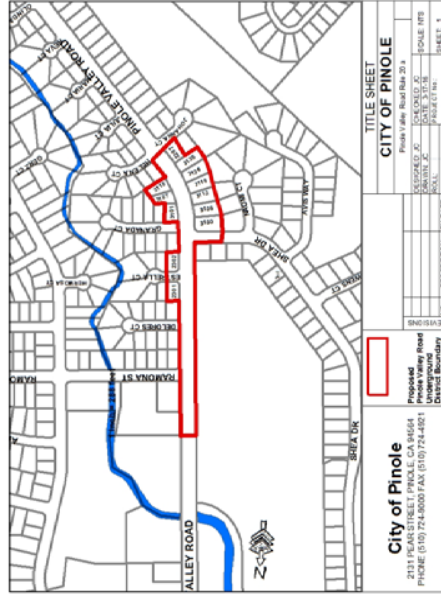
Projected Timing:
Estimated Start Date: 2017
Estimated End Date: 2020

Total Estimated Cost:

| | |
|---------------------------------|---------------------|
| Planning and Design: | \$ 11,022 |
| Engineering and Administrative: | \$ 130,000 |
| Utility Construction: | \$ 1,300,000 |
| Equipment: | \$ - |
| Contingency: | \$ 130,000 |
| Total: | \$ 1,571,022 |

Funding Source:

| |
|------------------|
| Rule 20A Credits |
| Gas Tax - 200 |
| Measure J - 215 |
| Total |



| | Prior | FY 2019-20 | FY 2020-21 | FY 2021-22 | FY 2022-23 | FY 2023-24 |
|--------------|------------------|------------|--------------------|------------|------------|------------|
| | Actual | Proposed | Proposed | Proposed | Proposed | Proposed |
| | - | - | \$1,560,000 | - | - | - |
| | - | - | \$5,750 | - | - | - |
| | \$315,552 | - | - | - | - | - |
| Total | \$315,552 | - | \$1,565,750 | - | - | - |

City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

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 will provide 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: 2020

Total Estimated Cost:

| | |
|---------------------------------|-------------------|
| Planning and Design: | \$ - |
| Engineering and Administrative: | \$ 5,000 |
| Construction: | \$ 87,000 |
| Equipment: | \$ - |
| Contingency: | \$ 8,000 |
| Total: | \$ 100,000 |

Funding Source:

| | Prior Actual | FY 2019-20 Proposed | FY 2020-21 Proposed | FY 2021-22 Proposed | FY 2022-23 Proposed | FY 2023-24 Proposed |
|---------------|--------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Gas Tax - 200 | - | \$50,000 | \$50,000 | - | - | - |
| Total | - | \$50,000 | \$50,000 | - | - | - |

City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

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: | \$ 2,522,000 |
| EDC and Administrative: | \$ 3,766,350 |
| Construction: | \$ 25,110,000 |
| R/W | \$ 100,000 |
| Contingency: | \$ 6,277,250 |
| Total: | \$ 37,775,600 |



| Funding Source: | Prior Actual | FY 2019-20 | | FY 2020-2021 | | FY 2021-22 | | FY 2022-23 | | FY 2023-24 | | Beyond | |
|----------------------------------|-----------------|------------------|--------------------|--------------|--|------------|--|------------|--|------------|--|---------------------|--|
| | | Proposed | | Proposed | | Proposed | | Proposed | | Proposed | | Proposed | |
| City Street Improvements - 325 * | \$ 43,247 | \$ 50,000 | | - | | - | | - | | - | | \$407,000 | |
| State Contribution | - | \$ 879,103 | \$ 1,642,897 | | | - | | - | | - | | \$30,889,853 | |
| Measure J (TLC) - 215 * | - | \$ 70,650 | \$ 224,103 | | | - | | - | | - | | \$93,247 | |
| Other (funding shortfall) | - | - | | | | - | | - | | - | | \$6,385,500 | |
| Total | \$43,247 | \$999,753 | \$1,867,000 | | | - | | - | | - | | \$37,775,600 | |

* Funding in the amount of \$388,000 is expected from the CCTA TLC Program.

City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

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: 2017
 Estimated End Date: June 2020

Total Estimated Cost:

| | |
|---------------------------------|-------------------|
| Planning and Design: | \$ - |
| Engineering and Administrative: | \$ 15,600 |
| Construction: | \$ 109,000 |
| Equipment: | \$ - |
| Contingency: | |
| Total: | \$ 124,600 |

Funding Source:

| | Prior Actual | FY 2019-20 Proposed | FY 2020-2021 Proposed | FY 2021-22 Proposed | FY 2022-23 Proposed | FY 2023-24 Proposed |
|----------------------------------|-----------------|---------------------|-----------------------|---------------------|---------------------|---------------------|
| City Street Improvements - 325 * | \$ 4,600 | - | - | - | - | - |
| Measure J (TLC) - 215 * | - | \$ 120,000 | - | - | - | - |
| Total | \$ 4,600 | \$ 120,000 | - | - | - | - |

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



City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

Project: San Pablo Avenue Rehabilitation

Description: Cold mill 2 1/2 inches of asphalt concrete pavement and replace with new HMA, reconstruct ~12 curb ramps, replaced damaged sidewalk, and close sidewalk gap.

Justification: The Pavement Management Report completed March 2019 provides a Pavement Condition Index (PCI) for most roads within Pinole of 62; a decrease from 70 in January of 2016. The Report helps arterials to be rehabilitated using the "Fix it First" approach. Due to the importance of San Pablo Avenue as an arterial, it is desirable to maintain the PCI at a minimum of 70. Currently, the average PCI on San Pablo Avenue is 67.

Project Number: RO1801

Projected Timing:

Estimated Start Date: 2020
 Estimated End Date: 2021

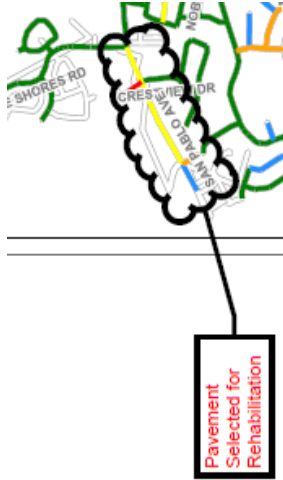
Total Estimated Cost:

| | |
|---------------------------------|-------------------|
| Planning and Design: | \$ - |
| Engineering and Administrative: | \$ - |
| Construction: | \$ 662,000 |
| Equipment: | \$ - |
| Contingency: | \$ - |
| Total: | \$ 662,000 |

Funding Source:

| | Prior | FY 2019-20 | FY 2020-21 | FY 2021-22 | FY 2022-23 | FY 2023-24 |
|--------------------------------|--------|------------|------------------|------------|------------|------------|
| | Actual | Proposed | Proposed | Proposed | Proposed | Proposed |
| City Street Improvements - 325 | - | - | \$76,000 | - | - | - |
| Measure J (OBAG 2) - 215 * | - | - | \$586,000 | - | - | - |
| Total | - | - | \$662,000 | - | - | - |

* Funded \$586,000 by the CCTA OBAG 2 Program.



City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

Project: City Street Patching Equipment

Description: Purchase equipment for City crews to use to patch asphalt pavement throughout the City. Equipment to include skid steer loader with attachments, crack sealing equipment, and asphalt patching truck equipped with features to facilitate maintenance activities.

Justification: Equipment acquisition will enable the City Public Works maintenance crews to self perform crack sealing and patch paving for residential and arterial streets more frequently than our current maintenance model of contracting out for patch paving.



Project Number: RO1901

Projected Timing:
 Estimated Start Date: 2019
 Estimated End Date: 2020

Total Estimated Cost:

| | |
|---------------------------------|-------------------|
| Planning and Design: | \$ - |
| Engineering and Administrative: | \$ - |
| Construction: | \$ - |
| Equipment: | \$ 395,000 |
| Contingency: | \$ - |
| Total: | \$ 395,000 |

Funding Source:

| | | | | | | |
|--------------------------------|--------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Gas Tax (RMRA/SB1 Funds) - 200 | Prior Actual | FY 2019-20 Proposed | FY 2020-21 Proposed | FY 2021-22 Proposed | FY 2022-23 Proposed | FY 2023-24 Proposed |
| City Street Improvements - 377 | - \$ | 50,000 | - | - | - | - |
| Total | - \$ | 345,000 | - | - | - | - |
| | | 395,000 | | | | |

City of Pinole
Capital Improvement Plan
Fiscal Years 2019-20 through 2023-24

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:

2019

Estimated End Date:

2020

Total Estimated Cost:

| | |
|---------------------------------|-------------------|
| Planning and Design: | \$ 50,000 |
| Engineering and Administrative: | \$ 50,000 |
| Construction: | \$ - |
| Equipment: | \$ - |
| Contingency: | \$ - |
| Total: | \$ 100,000 |

Funding Source:

| | Prior Actual | FY 2019-20 Proposed | FY 2020-21 Proposed | FY 2021-22 Proposed | FY 2022-23 Proposed | FY 2023-24 Proposed |
|------------------|-----------------|------------------------|------------------------|------------------------|------------------------|------------------------|
| WCCTAC STMP Fees | - | \$ 100,000 | - | - | - | - |
| Total | - | \$ 100,000 | - | - | - | - |



RESOLUTION NO. 2019-__

A RESOLUTION OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, APPROVING THE FISCAL YEARS 2019-20 THROUGH 2023-24 FIVE-YEAR CAPITAL IMPROVEMENT PLAN AND ADOPTING THE FISCAL YEAR 2019-20 CAPITAL BUDGET

WHEREAS, the City Manager has presented a Proposed Capital Improvement Plan for the City of Pinole for Fiscal Years 2019-20 through 2023-24, and a proposed Capital Budget for Fiscal Year 2019-20; 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 2019-20 through 2023-24 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 2019-20 through 2023-24 and Fiscal Year 2019-20 Capital Budget commencing July 1, 2019 and ending June 30, 2020 are hereby approved and adopted.

Section 2. That appropriations for the 2019-20 Fiscal Year are established by fund, as follows:

| | | |
|-----|--|-----------|
| 106 | Measure S 2014 | 1,497,799 |
| 200 | Gas Tax | 837,118 |
| 215 | Measure J Fund | 209,650 |
| 275 | Parkland Dedication Fund | 15,509 |
| 276 | Growth Impact Fees Fund | 39,500 |
| 325 | City Street Improvements Fund | 1,928,889 |
| 327 | Park Grants Fund | 24,491 |
| 377 | 2014 Arterial Street Rehabilitation Fund | 1,141,019 |
| 500 | Sewer Enterprise Fund | 2,352,342 |
| 503 | Plant Expansion Fund | 1,250,000 |

TOTAL CAPITAL APPROPRIATIONS \$9,296,317

Section 3. That the appropriations established for FY 2019-20 by fund shall be allocated to individual projects as presented in the Capital Improvement Plan.

PASSED AND ADOPTED this 17th day **September 2019**, by the following vote, to-wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBER:

I hereby certify that the foregoing resolution was introduced, passed and adopted on this 17th day of **September, 2019**.

Heather Iopu, CMC
City Clerk



City of Pinole

Proposed FY 2019-20 Through 2023-24 Five-Year Capital Improvement Plan

September 17, 2019

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Highlights

- Total 5-Year Capital Improvement Plan = \$18,181,967
- Proposed FY 2019-20 CIP Budget = \$9,296,317
- Project description sheets included for projects over \$100,000 & those of particular community interest
- New projects are highlighted in purple

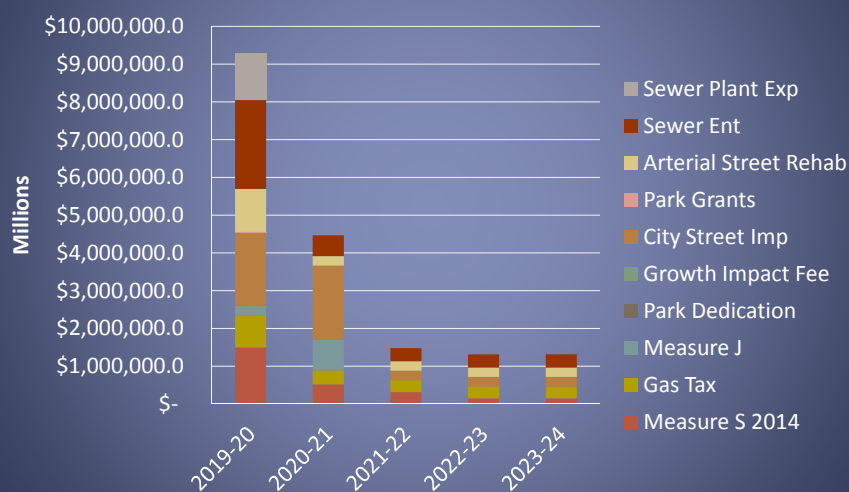
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Highlights Continued

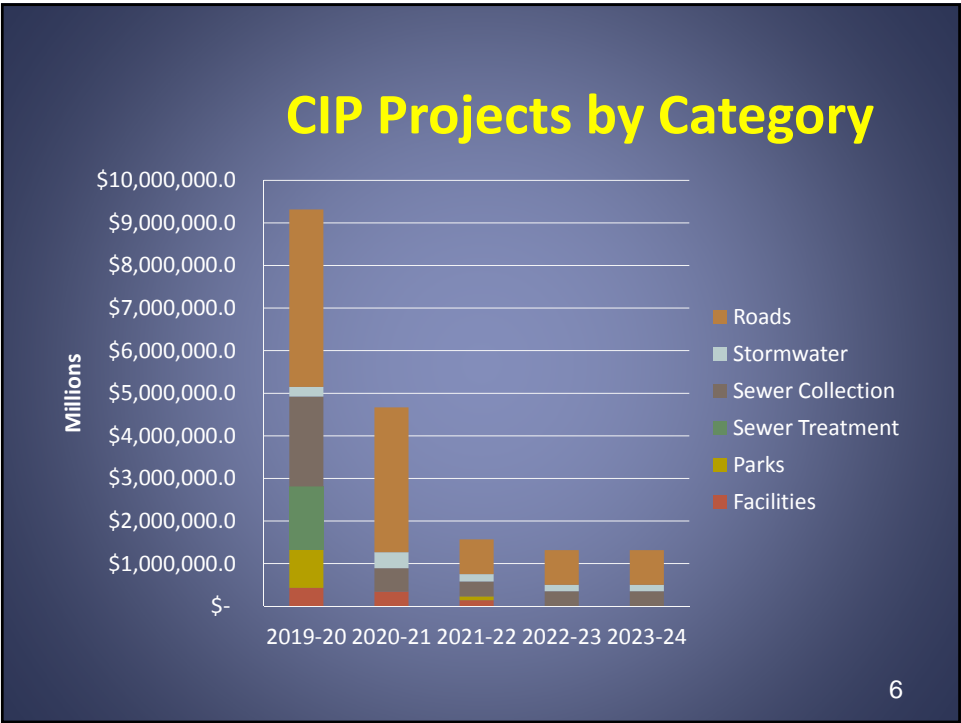
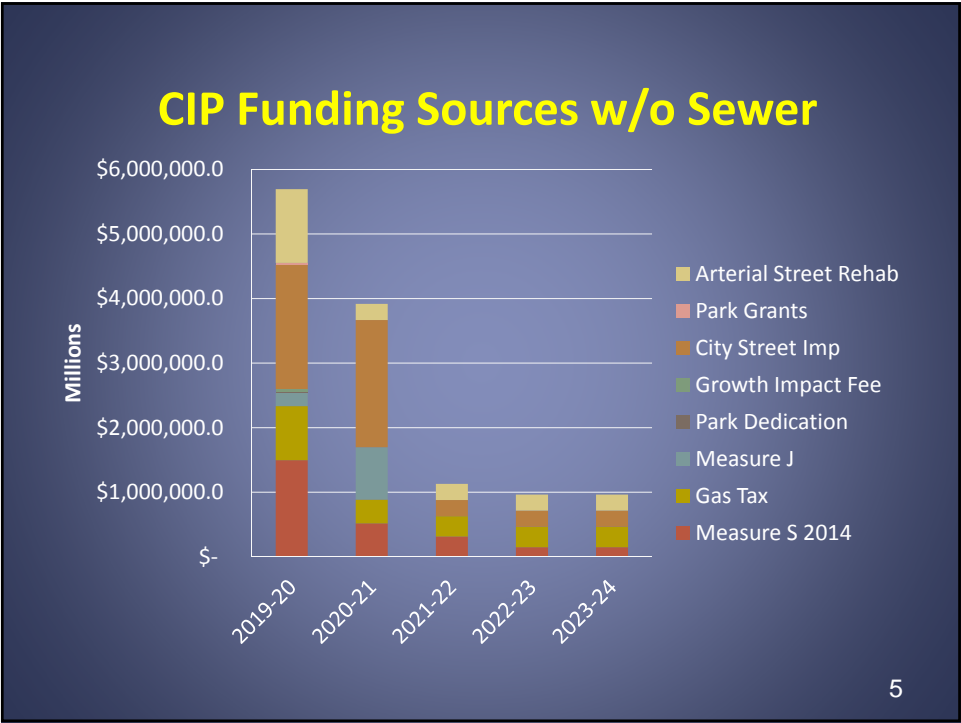
- Unfunded projects are highlighted in blue
- Projects carried over from FY 2018-19 are highlighted in orange
- Project categories:
 - Facility Maintenance – 5 projects
 - Parks – 8 projects
 - Sewer Collection – 5 projects
 - Sewer Treatment – 2 projects, 1 in progress
 - Stormwater – 5 projects
 - Streets and Roadways – 10 projects

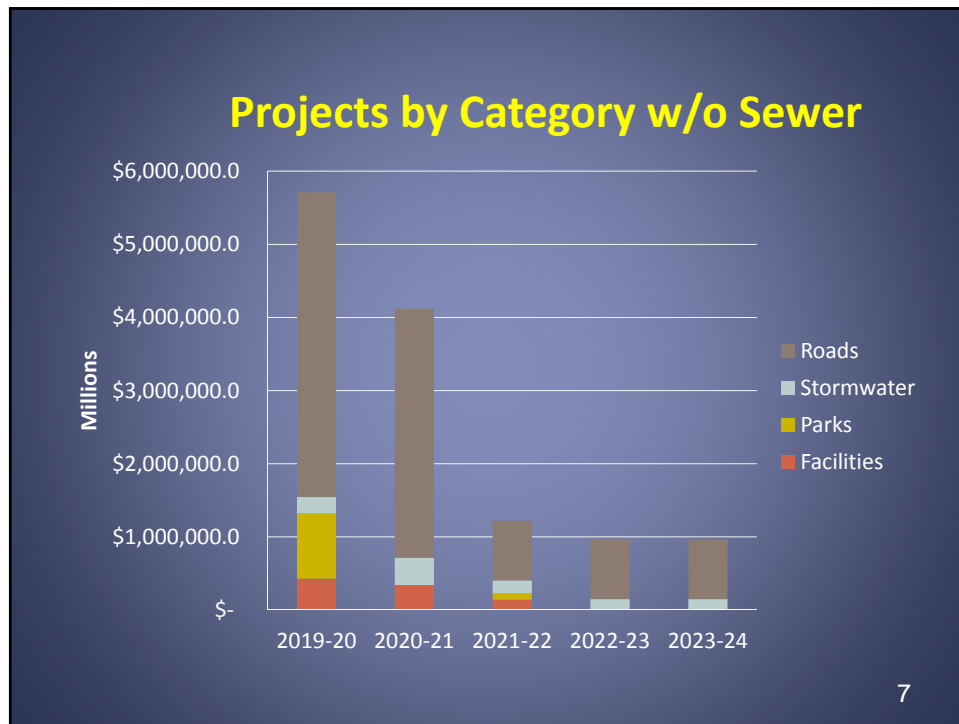
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CIP Funding Sources



4





FY 2018-19 Completed Projects

- 2548 Charles Ave (Fowler House) Demolition - \$57,900
- Replaced Lighting at Louis Frances Park – \$10,788
- Installed Trash Capture Devices – New Areas - \$22,432
- Purchased New Street Sweeper - \$284,999
- Tree Maintenance and Removal (Various locations) - \$33,425
- WPCP Upgrade (in progress) - \$26,665,191 Pinole share through 6/30/19

8

FY 2018-19 Completed Projects Cont...

- Public Safety HVAC Repair - \$39,217
- Miscellaneous Roadway Repair (Various locations) – \$29,253
- Sidewalk Maintenance (Various locations) - \$34,219
- Sign Replacement (Various locations) - \$40,947

9

Completed Projects

2548 Charles Ave (Fowler House) Demolition = \$57,900



- Project #FA1712
- Total Project = \$57,900

- Start date: 2017
- End date: 2019

10

Completed Projects

Install Trash Capture Devices (New areas) = \$22,432



- Project #SW1701
- Total Project = \$60,441

- Start date: 2017
- End date: 2019

11

Completed Projects

Replaced Lighting at Louis Frances Park = \$10,788



- Project #PA1707
- Total Project = \$15,000

- Start date: 2017
- End date: 2019

12

Completed Projects

Purchased New Street Sweeper = \$284,999

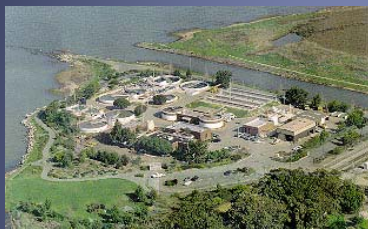


- Date Purchased: May 2019
- Street Sweeping Schedule is available on City's website

13

Prior Year Projects - In Progress

Water Pollution Control Plant Upgrade = \$1,250,000



- Project #SS1707
- Total Project = \$54,500,000
- Shared 50%/50% with City of Hercules
- Start date: May 2016
- Estimated end date: September 2019
- Total Pinole expenses through 6/30/19 = \$26,665,191

14

Prior Year Projects - In Progress

Pavement Maintenance and Rehab = \$2.4 million



- Project #RO1707
- Includes \$1.4 million from prior year appropriations

- Estimated start/end date: Annual program

15

Prior Year Projects Carried Forward

- Replace HVAC & Portion of Roof at Senior Center - \$110,000
- Replace HVAC at City Hall - \$120,000
- Rehabilitation of play Fields at Fernandez Park * - \$40,000
- Replace Chips with Rubber Matting at select parks - \$50,000
- Restrooms in Fernandez Park * - \$333,603

* Project is in progress

16

Prior Year Projects Carried Forward

- Senior Center Parking Lot Maintenance ** - \$67,196
- Hazel Street Pump Station Rehabilitation - \$1,000,000
- Inflow and Infiltration Monitoring Program - \$60,000
- Inflow and Infiltration Rehabilitation Program; Basin 3.1 - \$350,000
- Rodeo Outfall Project * - \$242,342

* Project is in progress

** Project is now complete

17

Prior Year Projects Carried Forward

- Storm Drainage Master Plan- \$25,000
- Pavement Maintenance Program* - \$2,432,923
- San Pablo Ave. Bridge over BNSF Railroad* - \$999,753
- Sharrow Pavement Markings - \$19,000

* Project is in progress

18

New Projects

Hazel Street Drainage Improvements = \$200,000



- Project #SW1901
- Total Project = \$200,000

- Estimated start date: July 2019
- Estimated end date: June 2020

19

New Projects

City Street Paving Equipment = \$395,000



- Project #RO1901
- Total Project = \$395,000

- Estimated start date: July 2019
- Estimated end date: June 2020

20

New Projects

Pedestrian Improvements at Tennent = \$100,000



- Project #RO1902
- Total Project = \$100,000
- Estimated start date: July 2019
- Estimated end date: June 2020

21

New Projects

Fowler House Reuse = \$200,000



- Project #FA1901
- Total Project = \$200,000
- Estimated start date: July 2019
- Estimated end date: June 2020

22

New Projects

Pinole Valley Park Soccer Field Rehab = \$200,000



- Project #PA1901
- Total Project = \$200,000

- Estimated start date: July 2019
- Estimated end date: June 2020

23

New Projects

Fernandez Park Baseball Field Rehab = \$200,000



- Project #PA1902
- Total Project = \$200,000

- Estimated start date: July 2019
- Estimated end date: June 2020

24

Funding by Source

| SOURCES BY FUND | FY 2019-20 Revenue | FY 2019-20 Request | Use of Fund Balance |
|--------------------------------|-----------------------|-----------------------|------------------------|
| Measure S 2014 - 106 | 192,000 | 1,497,799 | 1,305,799 |
| Gas Tax - 200 | 100,000 | 837,118 | 737,118 |
| Measure J - 215 | 120,000 | 209,650 | 89,650 |
| Parkland Dedication - 275 | - | 15,509 | 15,509 |
| Growth Impact Fees - 276 | - | 39,500 | 39,500 |
| City Street Improvements - 325 | 100,000 | 1,928,889 | 1,828,889 |
| Park Grants - 327 | - | 24,491 | 24,491 |
| Arterial Street Rehab - 377 | 250,000 | 1,141,019 | 891,019 |
| Sewer Enterprise - 500 | 942,342 | 2,352,342 | 1,410,000 |
| Sewer Plant Expansion - 503 | 1,250,000 | 1,250,000 | - |
| Sources Total | 2,954,342 | 9,296,317 | 6,341,975 |

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Questions and Discussion

26