



PINOLE CITY COUNCIL AGENDA

TUESDAY
JULY 2, 2019

6:00 P.M.

2131 Pear Street, Pinole, California

.....

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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Gov. Code § 54957

Title: City Attorney

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. Recognizing Earl Combs for Local Photography

B. Presentations / Recognitions

1. Sewer Update by Tamara Miller
2. Pinole/Hercules Water Pollution Control Plant Upgrade Project Update by Mike Warriner

7. CONSENT CALENDAR

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

A. Approve the Minutes of the Meeting of June 4, 2019.

- B. Receive the June 15, 2019 – June 28, 2019 List of Warrants in the Amount of \$267,414.85 and the June 28, 2019 Payroll in the Amount of \$385,344.22
- C. Authorizing The City Manager To Enter Into A Contract With Tri Commercial In The Amount Not To Exceed 6% Of The Sales Price To Provide Commercial Real estate Broker Services For The Sale Of Several Former Redevelopment And Housing Assets [Action: Adopt Resolution per Staff Recommendation (De La Rosa)]
- D. Consider A Letter Of Support For ACA 1, Local Government Financing: Affordable Housing And Public Infrastructure [Action: Authorize Mayor to Sign Letter (Fitzer)]
- E. Consider A Letter Of Opposition For SB 330 Housing Crisis Act Of 2019 [Action: Authorize Mayor to Sign Letter (Fitzer)]

8. PUBLIC HEARINGS

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

- A. Introduction And First Reading Of An Ordinance Of The City Of Pinole Adding Chapter 15.60 To The Municipal Code For Management Of PCBs During Building Demolition Projects [Action: Conduct Public Hearing & Introduce on First Reading (Casher)]

9. OLD BUSINESS

NONE

10. NEW BUSINESS

NONE

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements
- B. Mayoral & Council Appointments
 - 1. Appoint Councilmember Salimi as Pinole's Voting Delegate for League of CA Cities
 - 2. Community Services Commission 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 July 16, 2019 In Remembrance of Amber Swartz.

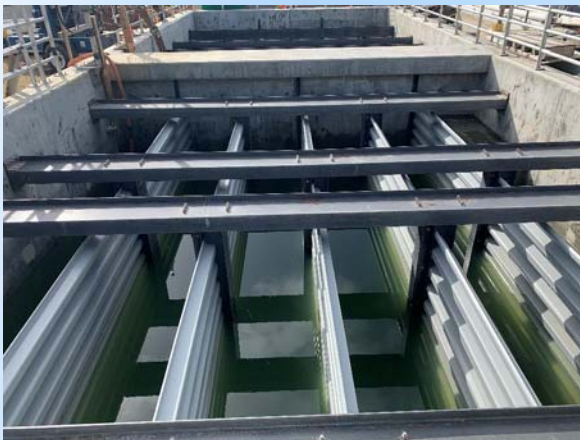
I hereby certify under the laws of the State of California that the foregoing Agenda was posted on the bulletin board at the main entrance of Pinole City Hall, 2131 Pear Street Pinole, CA, and on the City's website, not less than 72 hours prior to the meeting date set forth on this agenda.

POSTED: June 27, 2019 at 4:00 P.M.

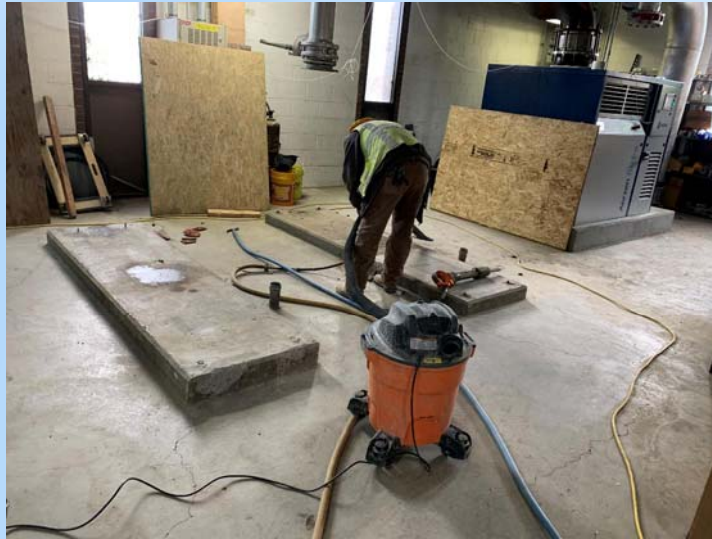
Heather Iopu, CMC
City Clerk



The new Chlorine Contact Basin was put into service in May



Blower building upgrades continue with the startup of new blowers and demolition of old ones



File name: ppt3

Replacement of equipment in Primary Clarifier 2 has been completed and Primary Clarifier 1 replacement is underway.



File name: ppt4

Upgrades continue at the existing aeration basins.



Electrical upgrades continue throughout the plant and will be the last portion of the work to be completed.



Completed areas are being graded to begin repaving.



File name: ppt7

The treatment plant site prior to start of construction



File name: ppt8

The treatment plant site in May 2019



File name: ppt03

New Plant Facilities now in operation



File name: ppt03

New Secondary Clarifier 2, Primary Clarifier 3, chlorine contact and chemical basin in February 2019



New Secondary Clarifier 2, Primary Clarifier 3, chlorine contact and chemical basin in May 2019



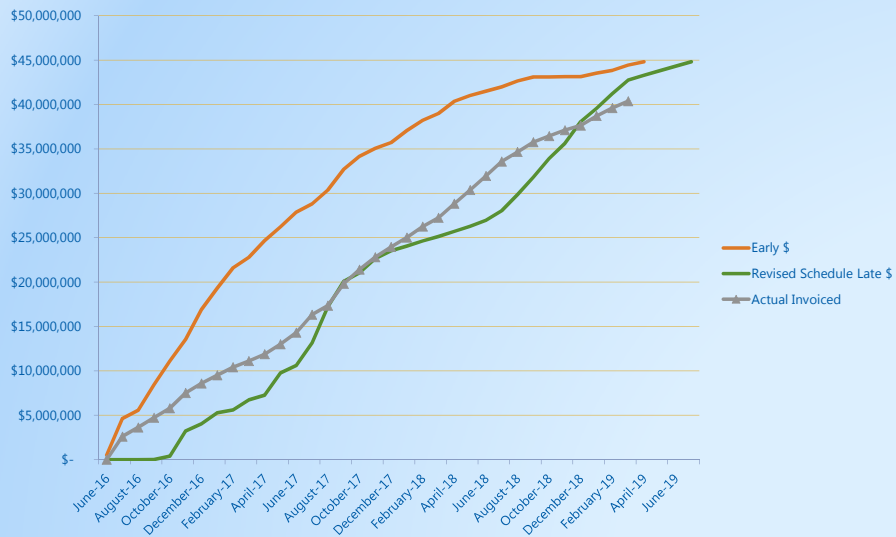
Plant north end focus in May 2019



Planned startup activities for this quarter

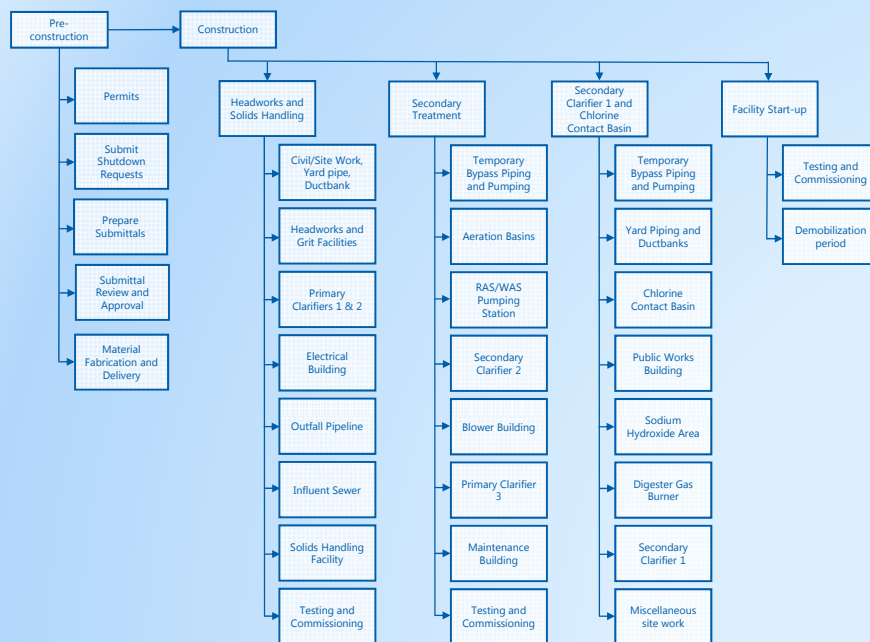


Progress/payments on work to date

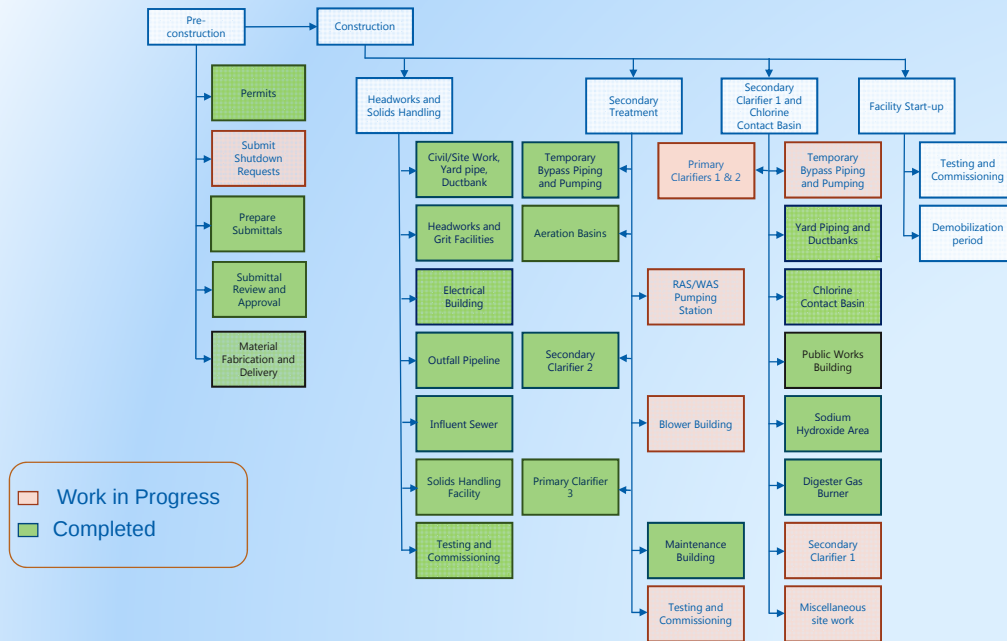


Billings for Work through March 2019 totals \$40,296,694

Baseline Overview of Schedule Work Activities



Activities underway to date



Current Construction Contract Status

Original construction contract value	\$43,143,000
Change orders to date (1 through 84)	\$1,773,258
Total current construction contract value (90% work complete to date)	\$44,916,258

Executed change orders total 4.5 percent of work completed to date

Executed Change Orders

Number	Subject	Cost
1 – 65	TOTAL Prior Change Orders 1 through 65	\$ 1,700,952
77	Concrete core drilling at the bottom of the aeration basins	\$ 5,328.00
78	Add downspouts at solids handling building	\$ 9,009.00
79	Procure pumping equipment to transfer aeration basin process water	\$ 8,475.00
80	Power to steel overhead roll-up doors at solids handling building	\$11,024.00
81	Conduit and wire to polymer storage heaters	\$ 7,177.00
82	Repair of cracks at existing aeration basins	\$ 7,863.00
83	Relocation of existing flow meters within the RAS Pump Station	\$17,640.00
84	Add Plant drain flowmeter instrument and wiring	\$ 5,850.00
Total This Period		\$ 72,306.00
TOTAL Change Orders to Date		\$ 1,773,258

File name: ppt13

We currently have 67 potential change orders to be negotiated

TYPE	Rough estimate
19 PCOs for existing utilities not shown on drawings	\$230,000
19 PCOs for structural design changes (additions and credits)	\$102,000
12 PCOs for additional demolition due to field conditions	\$37,000
2 PCOs for electrical design changes (additions and credits)	\$20,000
8 PCOs for miscellaneous design changes	\$52,000
7 PCOs for process design changes	\$29,000
TOTAL POTENTIAL COST	\$470,000

Costs and merit have not been verified. Additional costs may be incurred for work not yet completed.

File name: ppt120

Projection of Construction Contract Contingency At End of Project

Project Contingency (7% of original construction bid)	\$ 3,020,010
Change orders to date	\$ 1,773,258
Estimated PCOs currently in negotiation	\$ 470,000
Remainder	\$776,752
Carollo Amendments	\$853,900
Total	(\$77,148)

Filename: ppt21

Four issues were reported in the last update

- Two issues have been resolved.
- Two formal claims remain unresolved but negotiations continue.
- The critical path has shifted to the remaining electrical work
- We have some outstanding equipment issues which may impact final completion that are moving to resolution.

Filename: ppt22

Contract Substantial Completion date

April 5, 2019 – Last anticipated Substantial Completion date

July 17, 2019 – Current expected Substantial Completion date

Delays are caused by several issues which are still being defined.

Filename.ppt/23

QUESTIONS?

Filename.ppt/24

**CITY COUNCIL MEETING
MINUTES
June 4, 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 at 6:01 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
Andrea Miller, Finance Director
Tamara Miller, Development Services Director/City Engineer

City Clerk Iopu announced the agenda was posted on May 30, 2019 at 4:00 p.m. All legally required notice was provided.

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

3. CONVENE TO A CLOSED SESSION

No closed session scheduled.

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

5. CITIZENS TO BE HEARD (Public Comments)

At 6:04 pm, the Mayor inquired if there were any Public Comments. The following speakers addressed the City Council:

Bob Kopp, resident of Pinole, announced the Pinole Car Show on June 23. Made comments on the format of the recent community fire study workshop.

David Rupert, resident of Pinole, spoke regarding fire season, the recently held community fire study workshop and potential fire hazards in Pinole. Spoke regarding the large collection of Tagalog books at the Pinole Library.

Lisa Ancira, spoke regarding the importance of beautification of Old Town Pinole and that local businesses would like to help. Requested that City evaluate how to do additional tree maintenance in the area.

Irma Rupert, resident of Pinole, spoke regarding the Community Fire Study Workshop. Stated the workshop was not well advertised and poorly attended.

Rafael Menis, resident of Pinole, clarified his comments at last City Council meeting regarding the Brown act requirement with regard to speaker cards.

Debbie Long, resident of Pinole, spoke regarding the Community Fire Study Workshop. Stated that she thought the City Council should have attended. Expressed concerns about the format of the workshop and stated that there may have been attendees from non-Pinole residents. Requested another workshop in a different format to gather better information on the topic.

Tammy Campbell, resident of Pinole, asked that the City advertise at schools for next Fire Study community workshops. Spoke regarding charter schools and announced meeting of the School District that will address loss of enrollment and funding of public schools as a result of charter schools.

Pearl Cabrera, resident of Pinole, Commissioner of Arts for Contra Costa County, introduced herself and offered to help the City of Pinole.

David Bowman, resident of Pinole, spoke regarding hills surrounding Pinole, fire hazards and concerns about access for fire trucks in the area.

Mayor Murray and Mayor Pro Tem Swearingen and Fire Chief Kouns addressed the public comments from Mr. Bowman.

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Recognizing Pinole Valley High School Spartans Baseball Team

Mayor Murray presented Proclamation to the Team. Spartans coach recognized each player individually.

B. Presentations / Recognitions

1. Recognizing Stewart McCale in his retirement from Pinole Community Television (PCTV)

Mayor Murray presented Certificate of Recognition to Stewart McCale for his service to the Pinole Community. Councilmembers made comments. Stewart McCale thanked the Council and spoke regarding the honor.

2. Community Services Day Presentation by Community Services Commissioner Debbie Ojeda

Commissioners Laurelle Martin and Debbie Ojeda presented an overview of the Community Services Day, thanked vendors and participants, and presented a slideshow of pictures from the event.

3. Finance/Recreation/Administrative/Housing Division Updates by Assistant City Manager De La Rosa and Finance Director Miller

Finance Director Miller presented an overview of the Finance Department, its structure and employees. Highlighted the accomplishments of the Department, reviewed updates recently made to the budget document and other improvements that will be proposed to Council for approval, outlined the regular practices and reports of the department. Detailed newly implemented software to improve efficiency and updated financial policies.

Assistant City Manager De La Rosa presented a brief overview of the Human Resources Department. Announced the Recreation Department's current youth and senior programs. Provided update on City's Information Technology. Presented update on Redevelopment Agency properties. Presented summary of special projects.

Councilmembers asked questions. Staff addressed questions.

The following speakers addressed the City Council:

Rafael Menis, resident of Pinole, thanked staff for the reports. Asked that slideshows be included in the agenda packet and posted to the website.

Tammy Campbell, resident of Pinole, spoke regarding needed updates to the City's computer systems and vulnerability to our City's computers until we implement changes. Encouraged City to prepare with mitigating measures.

7. CONSENT CALENDAR

- A. Approve the Minutes of the Meetings of May 13 and May 21, 2019.
- B. Receive the May 18, 2019 – May 31, 2019 List of Warrants in the Amount of \$232,782.36 and the May 31, 2019 Payroll in the Amount of \$357,562.41.
- D. Adopt A Resolution Declaring Intent For The Levy And Collection Of Annual Assessments And Set The Public Hearing For June 18, 2019 For The Pinole Valley Road Landscape And Lighting Assessment District For FY 2019/2020, And Approving The Annual Engineer's Report [**Action: Adopt Resolution Per Staff Recommendation (T. Miller)**]
- E. Approve An Amendment To The Contract And Issue A Task Order For 4Leaf Inc. For A Project Specific Planner In An Amount Not To Exceed \$50,000 [**Action: Adopt Resolution Per Staff Recommendation (T. Miller)**]

ACTION: Motion by Councilmembers Swearingen/Martinez-Rubin to approve Consent Calendar Items A, B, D, E.

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

The following items were pulled for further discussion:

- C. Approve An Amendment To The Professional Services Agreement With Michael Baker International To Extend The Term **[Action: Adopt Resolution Per Staff Recommendation (T. Miller)]**

The following speaker addressed the City Council regarding Item 7C:

Rafael Menis, resident of Pinole, asked whether the City will have enough time for analysis or will need to request another extension.

City Manager Fitzer responded to questions.

ACTION: Motion by Councilmembers Tave/Salimi to approve Consent Calendar Item 7C.

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

- F. Adopt A Resolution Approving Side Letter Agreements To The Memorandum Of Understandings (MOUs) Between The City Of Pinole And The Represented Groups (AFSCME Local 512, Local 1, Pinole Police Employees Association, And International Association Of Firefighters) And Authorizing Amendments To Management, Unrepresented/Confidential Employees Contracts Adjusting The Retirement Sharing Formula Effective June 24, 2019 **[Action: Adopt Resolution Per Staff Recommendation (De La Rosa)]**

The following speaker addressed the City Council regarding Item 7F:

Rafael Menis, resident of Pinole, spoke regarding the staff report, encouraged the City of Pinole to compose a letter to LAFCO (Local Agency Formation Commission) to provide an update on measures the City is taking to address increase in pension liability.

Discussion by Councilmembers and staff regarding the 115 Trust. Clarification of the staff report details by City Manager Fitzer and Assistant City Manager De La Rosa.

Councilmembers made comments.

ACTION: Motion by Councilmembers Swearingen/Salimi to approve Consent Calendar Item 7F.

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

- G. Authorizing The City Manager To Execute A Contract With Hinderliter De Llamas & Associates (HdL) In The Amount Not To Exceed \$34,000 For Economic Development Services [**Action: Adopt Resolution Per Staff Recommendation (De La Rosa)**]

Discussion by Council regarding the potential benefit of hiring HdL. Discussion of the history of possible areas of development within the City.

City Manager Fitzer addressed the questions and comments of Councilmembers.

Discussion by Council regarding what direction to take and whether the City could hire a staff person to perform economic development work.

The following speakers addressed the City Council regarding Item 7G:

Tammy Campbell, resident of Pinole, spoke in support of the action, approving the consultant in order to have expert information and in order to try a new method.

Devin Murphy, resident of Pinole, asked whether there is a vacancy tax on landowners who own land but don't have an active business.

Rafael Menis, resident of Pinole, spoke regarding the potential to review the specific contract amount designations if the item is continued to a future meeting.

City Manager Fitzer and Mayor Murray responded to public comments.

Councilmembers made comments.

David Bowman, resident of Pinole, discussed the importance of highlighting the boutique quality of Pinole to attract visitors.

Irma Rupert, resident of Pinole, spoke in favor of the action and urgency of getting more information on economic development.

Bob Kopp, resident of Pinole, commented that we can wait in order to get more information before deciding on this matter.

Councilmembers made comments.

ACTION: Motion by Councilmembers Salimi/Tave to approve Consent Calendar Item 7G, with the condition that HdL provide a list of successful references

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

8. PUBLIC HEARING

No Public Hearing scheduled.

9. OLD BUSINESS

- A. Consider A Resolution Creating An Ad-Hoc Committee To Work With The Fire Ballot Measure Polling Consultant [**Action: Consider Adopting Resolution, Per Staff Recommendation (Fitzer)**]

City Manager Fitzer outlined the item and action. Councilmember Tave introduced his request to discuss creation of this subcommittee.

Discussion by Council regarding inclusion of a larger group in the Fire Study process.

Discussion regarding what the role of the subcommittee would be.

The following speakers addressed the City Council:

Irma Rupert, resident of Pinole, spoke in support of the action, and asked whether or not citizens can be included in the committee.

Mayor Murray and City Attorney Casher responded to questions.

Rafael Menis, resident of Pinole, summarized the intent of the item and spoke in support of including members of the public on the ad hoc committee.

Bob Kopp, resident of Pinole, recommended that the information be gathered by the City in coordination with the public.

Further discussion by Council. City Manager Fitzer responded to Councilmember questions.

ACTION: Motion by Councilmembers to Create An Ad-Hoc Committee To Work With The Fire Ballot Measure Polling Consultant

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

Mayor Murray called for a recess at 9:10 p.m.

Mayor Murray reconvened the meeting at 9:20 p.m.

10. NEW BUSINESS

- A. Consider A Resolution Recognizing June As LGBTQ+ Month And Directing Staff To Fly The Rainbow Flag During The Month Of June 2019 [Action: Consider Adopting Resolution, Per Staff Recommendation (Fitzer)]

City Manager Fitzer introduced the item and outlined the action. Councilmember Tave made comments as to the reason for bringing the item forward for discussion.

Discussion by Council.

The following speakers addressed the City Council:

Allen Faria, spoke against the action.

David Rupert, resident of Pinole, spoke in favor of the action, and cited other cities who are flying the rainbow flag and positive reasons for doing so.

Irma Rupert, resident of Pinole, spoke in favor of the action, and encouraged the City to be inclusive.

Robyn Kushitz resident of Pinole, spoke in favor of the action, highlighted her own time served in the military, and reasons for the importance of flying the flag.

Rafael Menis, resident of Pinole, spoke in favor of the action, spoke regarding the reasons for flying the flag and importance of Pride in the community.

Devin Murphy, resident of Pinole, spoke in favor of the action and the importance of flying the flag in order to support the individuals who are not “out”, and reasons for celebrating Pride and recognizing diversity.

Cesar Zepeda, resident of Pinole, spoke in favor of the action, cited other cities in the County that are flying the Pride flag. Spoke regarding gay soldier's contribution in D-Day success. Spoke regarding the importance of flying the Pride flag.

Discussion regarding the benefits of flying the flag and placement of the flag at City Hall.

ACTION: Motion by Councilmembers Tave/Martinez-Rubin to Recognize June As LGBTQ+ Month And Directing Staff To Fly The Rainbow Flag During The Month Of June 2019

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

11. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Murray announced Car show on Saturday, June 23, 2019.

Announced his participation in recent Memorial Day Event at Fernandez Park. Announced that it was not well-attended. Suggested the City assist with advertising next year.

Reported on the West County Mayor's Meeting; EBMUD representative gave report on why rates are going up as result of infrastructure needs of district.

Councilmember Tave requested a future agenda item to discuss EBMUD updates.

B. Mayoral & Council Appointments

1. SRO Subcommittee

Councilmember Tave and Mayor Murray volunteered to serve on the SRO Subcommittee.

Councilmember Swearingen/Salimi moved to approve the appointments and motion passed unanimously by Councilmembers present.

Councilmembers made comments regarding SRO subcommittee subject matter.

C. City Council Committee Reports & Communications

Councilmember Martinez-Rubin announced the Association of Bay Area Government (ABAG) meeting on June 6, 2019. Asked for input regarding Pinole's membership in ABAG and the new membership fees being proposed. Staff and Council responded.

Councilmember Tave spoke regarding a potential new school and increased traffic concerns on San Pablo Avenue.

Announced participation at Democratic Convention; spoke with Carpenter's Union Local 152 and opportunity to work with the school district on trade training programs. Discussed possibility of reaching out to the Superintendent Duffy to discuss further.

Asked for future discussion by Council on ACA 1. Staff responded to request.

D. Council Requests For Future Agenda Items

Councilmember Salimi asked for a discussion item regarding renegotiating property tax allocation as means of increasing revenue to the City.

City Attorney Casher responded to the question, and what the process would be. Council gave consensus.

Councilmember Martinez-Rubin requested presentation of plan to address traffic concerns with installation of new traffic lights near high school before school begins in the Fall. Council gave consensus.

Councilmember Tave requested future discussion item on EBMUD. Mayor Murray responded. Staff to have a meeting with EBMUD and report back.

E. City Manager Report / Department Staff

City Manager Fitzer provided clarification on the IT update given earlier in the meeting under presentations; Office 365 updates are scheduled for 1st quarter of FY 19-20 not 4th quarter of FY 19-20.

F. City Attorney Report

City Attorney Casher announced that the Muni Code subcommittee will be meeting and there will be ordinances coming forward for review by Council in the coming months.

12. ADJOURNMENT to the City Council Meeting of June 18, 2019 In Remembrance of Amber Swartz.

At 10:35 p.m., Mayor Murray adjourned to the City Council Meeting of June 18, 2019 In Remembrance of Amber Swartz and Ron Silva.

Submitted by:

Heather Iopu, CMC
City Clerk

Approved by City Council:

WARRANT LISTING

By Vendor Name



City of Pinole, CA

Payment Dates 06/15/2019 - 06/28/2019

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: 4LE00 - 4LEAF, INC.					
J3681G	91319	06/28/2019	100-231-42101	FIRE INSPECTIONS	18,480.00
				Vendor 4LE00 - 4LEAF, INC. Total:	18,480.00
Vendor: AIR10 - AIRGAS USA, LLC					
9962581001	91265	06/21/2019	100-343-42514	RENT CYL MED LARGE AIR	158.20
				Vendor AIR10 - AIRGAS USA, LLC Total:	158.20
Vendor: ALH01 - ALHAMBRA & SIERRA SPRINGS					
5025531 060619	91320	06/28/2019	100-343-42101	DRINKING WATER FOR CORP	176.53
				YARD	
8498505 061419	91266	06/21/2019	100-222-42201	DRINKING WATER FOR POLICE	217.88
				Vendor ALH01 - ALHAMBRA & SIERRA SPRINGS Total:	394.41
Vendor: ARA01 - ARAMARK UNIFORM SERVICES					
704378237	91267	06/21/2019	209-552-43804	KITCHEN SUPPLIES SENIOR	182.33
				CENTER	
704388519	91267	06/21/2019	209-552-43804	KITCHEN SUPPLIES SENIOR	252.33
				CENTER	
704398783	91267	06/21/2019	209-552-43804	KITCHEN SUPPLIES SENIOR	182.33
				CENTER	
704409096	91267	06/21/2019	209-552-43804	KITCHEN SUPPLIES SENIOR	194.93
				CENTER	
MAY 31-3900	91267	06/21/2019	100-231-44410	MONTHLY STATEMENT- FIRE	257.22
MAY 31-4714	91267	06/21/2019	100-342-44410	MONTHLY STATEMENT-VEHICLE	284.11
				MAINTENANCE	
MAY 31-4715	91267	06/21/2019	207-344-44410	MONTHLY STATEMENT-NPDES	123.20
				STORM WATER	
MAY 31-4717	91267	06/21/2019	500-642-44410	MONTHLY STATEMENT-SEWER	170.72
				COLLECTION	
MAY 31-4718	91267	06/21/2019	100-343-44410	MONTHLY STATEMENT-	158.40
				GENERAL MAINTENANCE	
MAY 31-4719	91267	06/21/2019	500-641-44410	MONTHLY STATEMENT- WPCP	1,211.87
				Vendor ARA01 - ARAMARK UNIFORM SERVICES Total:	3,017.44
Vendor: ATT01 - AT&T					
000013075900	91268	06/21/2019	525-118-43101	9350BAN CABLE SERVICES- IT	2,035.51
000013160952	91322	06/28/2019	525-118-43101	9347BAN CABLE SERVICES IT	648.60
000013160958	91322	06/28/2019	525-118-43101	9349BAN CABLE SERVICES IT	790.40
000013160959	91322	06/28/2019	525-118-43101	9346BAN CABLE SERVICES IT	1,801.47
000013160960	91322	06/28/2019	525-118-43101	3848BAN CABLE SERVICES IT	704.61
000013160961	91322	06/28/2019	525-118-43101	9351BAN CABLE SERVICES IT	202.35
000013160963	91322	06/28/2019	525-118-43101	9345BAN CABLE SERVICES IT	153.47
000013161486	91322	06/28/2019	525-118-43101	9017BAN CABLE SERVICES IT	208.77
JUNE 08 19-2820	91321	06/28/2019	525-118-43101	INTERNET SERVICES TINY TOTOS	45.00
				SOLAR	
MAY 19-148195000	91269	06/21/2019	525-118-43101	DSL INTERNET FOR CITY HALL	50.00
				Vendor ATT01 - AT&T Total:	6,640.18
Vendor: 1595 - AUCTION EVENTS					
60319	91323	06/28/2019	209-20308	PSC MAIN HALL RENTAL 6/01/19	500.00
				DEPOSIT REFUND	
				Vendor 1595 - AUCTION EVENTS Total:	500.00
Vendor: DUG01 - BARRY DUGGAN					
62819	91324	06/28/2019	100-221-42514	REIMBURSEMENT FOR K-9 DOG	102.79
				FOOD PURCHASE	
				Vendor DUG01 - BARRY DUGGAN Total:	102.79

WARRANT LISTING

Payment Dates: 06/15/2019 - 06/28/2019

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: BAY04 - BAY AREA BARRICADE SVC.					
0003876	91325	06/28/2019	100-342-42514	SUPPLIES/PARTS- PW	382.80
0003923	91325	06/28/2019	100-342-42514	SUPPLIES/PARTS- PW	24.14
Vendor BAY04 - BAY AREA BARRICADE SVC. Total:					406.94
Vendor: ESP01 - BELINDA ESPINOSA					
JULY 2019	91326	06/28/2019	100-117-41101	RETIREE MEDICAL REIMBURSEMENT FOR JULY 2019	86.41
Vendor ESP01 - BELINDA ESPINOSA Total:					86.41
Vendor: 1601 - BIANCA RAMIREZ					
62419	91327	06/28/2019	209-20309	PYC RENTAL 6/23/19 DEPOSIT REFUND	250.00
Vendor 1601 - BIANCA RAMIREZ Total:					250.00
Vendor: BIR05 - BIRITE FOODSERVICE DISTRIBUTORS					
5747290	91270	06/21/2019	209-552-43804	FOOD PROGRAM SENIOR CENTER	890.71
5747291	91270	06/21/2019	209-552-43807	FOOD PROGRAM SENIOR CENTER	647.97
Vendor BIR05 - BIRITE FOODSERVICE DISTRIBUTORS Total:					1,538.68
Vendor: BLU01 - BLUE SKY SPORTS					
AAB049742	91328	06/28/2019	100-221-44410	SAFETY CLOTHING- PD	18.52
AAO004474	91271	06/21/2019	100-221-44410	FLEX FIT- PD	18.52
Vendor BLU01 - BLUE SKY SPORTS Total:					37.04
Vendor: CAL20 - CALIFORNIA ASSOCIATION OF PROFESSIONAL FIREFIGHTERS					
JULY 2019	91329	06/28/2019	100-231-41008	LONG TERM DISABILITY PLAN	245.00
Vendor CAL20 - CALIFORNIA ASSOCIATION OF PROFESSIONAL FIREFIGHTERS Total:					245.00
Vendor: CAP10 - CAP-HILLTOP					
31187	91272	06/21/2019	100-343-42514	OUTDOOR CLEANING OF PARKS	1,675.00
Vendor CAP10 - CAP-HILLTOP Total:					1,675.00
Vendor: 1602 - CARLOS GOMEZ					
52819	91330	06/28/2019	209-20309	PYC RENTAL 5/22/19 DEPOSIT REFUND	332.50
Vendor 1602 - CARLOS GOMEZ Total:					332.50
Vendor: 1597 - CARLOS WILBORN					
62119	91331	06/28/2019	209-554-43812	DJ SERVICES FOR HALLOWEEN FESTIVAL	150.00
Vendor 1597 - CARLOS WILBORN Total:					150.00
Vendor: CCP03 - CCP INDUSTRIES					
IN02320100	91273	06/21/2019	500-641-44410	SUPPLIES- TP	136.14
Vendor CCP03 - CCP INDUSTRIES Total:					136.14
Vendor: 1590 - CHARISE FELTON					
52819	91274	06/21/2019	209-20308	REFUND PSC MAIN HALL RENTAL DEPOSIT	500.00
52819	91274	06/21/2019	209-552-38112	REFUND PSC MAIN HALL RENTAL DEPOSIT	-90.00
Vendor 1590 - CHARISE FELTON Total:					410.00
Vendor: DAV04 - CHARLENE DAVIS					
62419	91332	06/28/2019	100-116-42514	REIMBURSEMENT FOR 2019 EE BBQ	435.81
62419-02	91332	06/28/2019	100-116-42302	REIMBURSEMENT FOR CAL PERS DISABILITY SEMINAR	87.14
Vendor DAV04 - CHARLENE DAVIS Total:					522.95
Vendor: 1591 - CHRISTINA FLORES					
6119	91275	06/21/2019	209-552-36409	REFUND INCORRECTLY CHARGED FOR EXERCISE CLASSES	50.00
Vendor 1591 - CHRISTINA FLORES Total:					50.00

WARRANT LISTING

Payment Dates: 06/15/2019 - 06/28/2019

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: 1589 - CHUCK WISE					
48	91276	06/21/2019	100-231-47102	CABLE SERVICES TO FIRE DEPARTMENT	8,208.00
Vendor 1589 - CHUCK WISE Total:					8,208.00
Vendor: CIT08 - CITY MECHANICAL, INC					
55906	91277	06/21/2019	209-554-42108	SERVICE- YOUTH CENTER	3,973.01
56095	91333	06/28/2019	100-343-42108	SERVICE CITY HALL	764.66
Vendor CIT08 - CITY MECHANICAL, INC Total:					4,737.67
Vendor: CON16 - CITY OF CONCORD					
780.28	91334	06/28/2019	100-465-42201	PRNTING SERVICES	35.44
780.28	91334	06/28/2019	212-461-42201	PRNTING SERVICES	26.40
Vendor CON16 - CITY OF CONCORD Total:					61.84
Vendor: COM20 - COMCAST					
JUNE 01 19-3450	91278	06/21/2019	100-342-42514	I-80 MOBILITY PROJECT FROM 6/5-7/4/19	236.24
JUNE 09-3131	91278	06/21/2019	100-231-43101	COMCAST BUSINESS CABLE FIRE DEPARTMENT	7.85
JUNE 14 19-0875	91335	06/28/2019	100-117-43105	COMCAST BUSINESS SERVICES-FINANCE	29.89
JUNE 19-0511	91335	06/28/2019	100-222-42514	BUSINESS CABLE POLICE DEPARTMENT	176.35
Vendor COM20 - COMCAST Total:					450.33
Vendor: CON93 - CONCORD UNIFORMS LLC					
15458	91279	06/21/2019	100-221-44410	SAFETY CLOTHING- PD	270.52
15818	91279	06/21/2019	100-221-44410	SAFETY CLOTHING- PD	270.52
Vendor CON93 - CONCORD UNIFORMS LLC Total:					541.04
Vendor: CCC13 - CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT					
702479	91336	06/28/2019	100-343-42101	TRAFFIC SIGN MAINT CHARGES FOR MAY 2019	13,177.61
702479	91336	06/28/2019	310-347-42101	TRAFFIC SIGN MAINT CHARGES FOR MAY 2019	852.61
702479	91336	06/28/2019	310-348-42101	TRAFFIC SIGN MAINT CHARGES FOR MAY 2019	437.13
Vendor CCC13 - CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT Total:					14,467.35
Vendor: COR12 - CORELOGIC SOLUTIONS LLC					
81965383	91280	06/21/2019	525-118-42510	REALQUEST FOR MAY 2019	710.41
Vendor COR12 - CORELOGIC SOLUTIONS LLC Total:					710.41
Vendor: 1605 - CROSSROADS SOFTWARE INC					
6811	91337	06/28/2019	105-221-47101	MAINTENANCE/SUPPORT/INSTALLATION/TRAINING SOFTWARE-PD	19,300.00
Vendor 1605 - CROSSROADS SOFTWARE INC Total:					19,300.00
Vendor: CSA03 - CSAC EXCESS INSURANCE					
20400083	91338	06/28/2019	100-110-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	57.00
20400083	91338	06/28/2019	100-110-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	11.40
20400083	91338	06/28/2019	100-111-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	11.40
20400083	91338	06/28/2019	100-112-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	11.40
20400083	91338	06/28/2019	100-115-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	34.20
20400083	91338	06/28/2019	100-116-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	22.80
20400083	91338	06/28/2019	100-117-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	22.80
20400083	91338	06/28/2019	100-221-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	239.40

WARRANT LISTING

Payment Dates: 06/15/2019 - 06/28/2019

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
20400083	91338	06/28/2019	100-222-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	34.20
20400083	91338	06/28/2019	100-223-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	136.80
20400083	91338	06/28/2019	100-231-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	114.00
20400083	91338	06/28/2019	100-341-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	34.20
20400083	91338	06/28/2019	100-343-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	79.80
20400083	91338	06/28/2019	105-221-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	34.20
20400083	91338	06/28/2019	105-231-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	11.40
20400083	91338	06/28/2019	106-231-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	11.40
20400083	91338	06/28/2019	204-227-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	11.40
20400083	91338	06/28/2019	209-551-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	11.40
20400083	91338	06/28/2019	209-552-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	11.40
20400083	91338	06/28/2019	209-552-41007	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	11.40
20400083	91338	06/28/2019	209-553-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	11.40
20400083	91338	06/28/2019	209-554-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	11.40
20400083	91338	06/28/2019	212-462-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	11.40
20400083	91338	06/28/2019	500-641-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	114.00
20400083	91338	06/28/2019	500-642-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	34.20
20400083	91338	06/28/2019	505-119-41005	EMPLOYEE ASSISTANCE PROGRAM JULY- SEP 2019	22.80
Vendor CSA03 - CSAC EXCESS INSURANCE Total:					1,117.20
Vendor: CSG01 - CSG CONSULTANTS INC.					
24979	91281	06/21/2019	212-462-42101	BUILDING INSPECTIONS FORM 4/27-5/31/19	14,250.00
Vendor CSG01 - CSG CONSULTANTS INC. Total:					14,250.00
Vendor: CSI01 - CSI FORENSIC SUPPLY					
61325A	91339	06/28/2019	100-222-42514	FORENSIC SUPPLIES- PD	209.10
Vendor CSI01 - CSI FORENSIC SUPPLY Total:					209.10
Vendor: CWE01 - CWEA					
062119	91282	06/21/2019	500-642-42401	MEMBERSHIP RENEWAL JOHN ADERSON	188.00
Vendor CWE01 - CWEA Total:					188.00
Vendor: COO13 - DANA COOK					
JULY 2019	91340	06/28/2019	100-117-41101	RETIREE MEDICAL REIMBURSEMENT FOR JULY 2019	351.82
Vendor COO13 - DANA COOK Total:					351.82
Vendor: 1443 - DIESEL DIRECT WEST, INC.					
83115749	91283	06/21/2019	100-10601	GAS FOR CORP YARD	2,343.73
83165655	91283	06/21/2019	100-10601	GASOLINE FOR CORP YARD	1,915.59
83166879	91283	06/21/2019	100-10602	DIESEL FOR FIRE	1,107.27
Vendor 1443 - DIESEL DIRECT WEST, INC. Total:					5,366.59
Vendor: EAS01 - EAST BAY DIVISION					
61819	91284	06/21/2019	100-110-42303	4 DINNERS @ JUNE 27TH BALLOT MEASURE TRAINING	75.00

WARRANT LISTING

Payment Dates: 06/15/2019 - 06/28/2019

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
61819	91284	06/21/2019	100-112-42303	4 DINNERS @ JUNE 27TH BALLOT MEASURE TRAINING	25.00
Vendor EAS01 - EAST BAY DIVISION Total:					100.00
Vendor: EBM01 - EBMUD					
20576-60519	91341	06/28/2019	100-345-43102	2948 VON DOOLEN CT- IRRIGATION USE ONLY	49.26
32364-61819	91341	06/28/2019	100-345-43102	1267 ADOBE RD-HAZEL DOWNER-THORNTON PICNIC GROVE	100.85
32606-61819	91341	06/28/2019	100-345-43102	1270 ADOBE RD-CARETAKER'S SHED FOR PINOLE PARK	75.58
34462-61819	91341	06/28/2019	100-345-43102	3450 SAVAGE AVE-IRRIGATION USE ONLY	49.26
35748-61819	91341	06/28/2019	209-553-43102	2454 SIMAS AVE-TINY TOTS	26.54
35748-61819	91341	06/28/2019	209-557-43102	2454 SIMAS AVE-TINY TOTS	858.01
54181-61819	91341	06/28/2019	100-231-43102	3790 PINOLE VALLEY RD-FIRE STATION	128.61
54182-61819	91341	06/28/2019	100-231-43102	3790 PINOLE VALLEY RD-FIRE STATION	255.70
87765-61419	91341	06/28/2019	100-345-43102	2520 APPIAN WAY-IRRIGATION USE ONLY	212.72
88506-61319	91341	06/28/2019	100-345-43102	1470 FITZGERALD DR- IRRIGATION USE ONLY	137.30
Vendor EBM01 - EBMUD Total:					1,893.83
Vendor: ELE01 - ELECTRONIC INNOVATIONS, INC.					
69289	91285	06/21/2019	100-343-42108	CARD READER REPAIRS/MAINTENANCE	359.00
Vendor ELE01 - ELECTRONIC INNOVATIONS, INC. Total:					359.00
Vendor: 1592 - EMERGENCY SERVICES CONSULTING INTERNATIONAL					
19-203	91286	06/21/2019	105-231-42101	COUNSULTING- MONTHLY PROGRESS INVOICING	16,800.00
Vendor 1592 - EMERGENCY SERVICES CONSULTING INTERNATIONAL Total:					16,800.00
Vendor: FOS01 - FOSTER FLOW CONTROL					
19-3169	91287	06/21/2019	500-641-42107	WASTING VALUES- TP	3,100.90
Vendor FOS01 - FOSTER FLOW CONTROL Total:					3,100.90
Vendor: GAT07 - GATEWAY PINOLE VISTA, LLC					
JULY 2019	91342	06/28/2019	201-343-42513	JULY 19 1340 FITZGERALD DR LEASE PAYMENT	100.00
Vendor GAT07 - GATEWAY PINOLE VISTA, LLC Total:					100.00
Vendor: GLO08 - GLOBALSTAR					
1000000010303553	91288	06/21/2019	525-118-43101	MONTHLY CHARGES	114.57
Vendor GLO08 - GLOBALSTAR Total:					114.57
Vendor: GRA03 - GRAINGER					
9190678889	91343	06/28/2019	500-641-42107	SUPPLIES- TP	638.73
9194259306	91343	06/28/2019	500-641-42107	SUPPLIES- TP	52.23
Vendor GRA03 - GRAINGER Total:					690.96
Vendor: 1112 - GRAY-BOWEN-SCOTT					
8802	91289	06/21/2019	215-343-47205	PEDESTRINA IMPROVEMENTS@BNSF RAILROAD	4,219.89
8906	91289	06/21/2019	215-343-47205	PEDESTRINA IMPROVEMENTS@BNSF RAILROAD	559.96
Vendor 1112 - GRAY-BOWEN-SCOTT Total:					4,779.85
Vendor: KEN14 - GREG KENNEDY RN					
72	91290	06/21/2019	100-231-42101	EMS CQJ DUTIES- FD	2,000.00
Vendor KEN14 - GREG KENNEDY RN Total:					2,000.00

WARRANT LISTING

Payment Dates: 06/15/2019 - 06/28/2019

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: VER02 - GTE MOBILNET OF CALIFORNIA LIMITED PARTNERSHIP					
9830204673	91291	06/21/2019	525-118-43101	PHONE/MONITORS- PD/FD	4,200.06
Vendor VER02 - GTE MOBILNET OF CALIFORNIA LIMITED PARTNERSHIP Total:					4,200.06
Vendor: HAC01 - HACH COMPANY					
11475902	91292	06/21/2019	500-641-44305	SUPPLIES- TP	713.84
Vendor HAC01 - HACH COMPANY Total:					713.84
Vendor: 1161 - HINDERLITER, DE LLAMAS & ASSOCIATES					
0031620-IN	91293	06/21/2019	106-115-42101	AUDIT SVCS SALES QUARTER 4 2018	1,391.57
0031621-IN	91293	06/21/2019	105-115-42101	AUDIT SVCS SALES QUARTER 4 2018	556.86
Vendor 1161 - HINDERLITER, DE LLAMAS & ASSOCIATES Total:					1,948.43
Vendor: HOR05 - HORIZON					
1R243476	91294	06/21/2019	100-345-42514	MAINTENANCE SUPPLIES	521.91
1R244020	91344	06/28/2019	100-342-42514	MAINTENANCE SUPPLIES	38.95
Vendor HOR05 - HORIZON Total:					560.86
Vendor: IED02 - IEDA					
22594	91295	06/21/2019	100-116-42101	LABOR RELATIONS CONSULTING FROM 6/01-6/30/19	2,123.00
Vendor IED02 - IEDA Total:					2,123.00
Vendor: CUL03 - ISING'S CULLIGAN-LIVERMORE					
52519	91296	06/21/2019	500-641-44305	STATEMENT BALANCE DUE	1,277.10
Vendor CUL03 - ISING'S CULLIGAN-LIVERMORE Total:					1,277.10
Vendor: JWE01 - J. W. ENTERPRISES - NORTH					
216208	91297	06/21/2019	100-345-42514	PORTABLE TOILET/SINK RENTAL	137.70
Vendor JWE01 - J. W. ENTERPRISES - NORTH Total:					137.70
Vendor: JAC21 - JACKSON & SON PLUMBING					
9480	91345	06/28/2019	500-641-42107	RE BUILD BACKFLOW IN BOILER ROOM- TP	380.24
Vendor JAC21 - JACKSON & SON PLUMBING Total:					380.24
Vendor: MEL05 - JAMES MELVIN					
JULY 2019	91346	06/28/2019	100-117-41101	RETIREE MEDICAL REIMBURSEMENT FOR JULY 2019	135.50
Vendor MEL05 - JAMES MELVIN Total:					135.50
Vendor: ROS13 - JAMES W. ROSE					
JULY 2019	91347	06/28/2019	100-117-41101	RETIREE MEDICAL REIMBURSEMENT FOR JULY 2019	566.90
Vendor ROS13 - JAMES W. ROSE Total:					566.90
Vendor: 1488 - JENNIFER WITSCHI					
62819	91348	06/28/2019	100-221-42514	REIMBURSEMENT SUPPLIES FOR THERAPY DOG	214.74
Vendor 1488 - JENNIFER WITSCHI Total:					214.74
Vendor: MIS01 - JULIAN MISRA					
JULY 2019	91349	06/28/2019	100-117-41101	RETIREE MEDICAL REIMBURSEMENT FOR JULY 2019	135.50
Vendor MIS01 - JULIAN MISRA Total:					135.50
Vendor: ROG06 - JUSTIN ROGERS					
61819	91298	06/21/2019	100-221-42302	REIMBURSEMENT FOR PARKING ON TRAINING DATE	44.70
62819	91350	06/28/2019	100-221-42301	REIMBURSEMENT FOR PURCHASE OF GAS FOR PD ERV	149.00
Vendor ROG06 - JUSTIN ROGERS Total:					193.70

WARRANT LISTING

Payment Dates: 06/15/2019 - 06/28/2019

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: KEL09 - KELLER CANYON LANDFILL					
4212 000028199	91351	06/28/2019	500-641-44302	SLUDGE TO LANDFILL	3,546.14
Vendor KEL09 - KELLER CANYON LANDFILL Total:					3,546.14
Vendor: COP02 - KENETH COPPO					
JULY 2019	91352	06/28/2019	100-117-41101	RETIREE MEDICAL REIMBURSEMENT FOR JULY 2019	1,230.95
Vendor COP02 - KENETH COPPO Total:					1,230.95
Vendor: KEN09 - KENNEDY AND ASSOCIATES, INC.					
10-102	91299	06/21/2019	207-344-42101	ON CALL SERVICES 5//5/31	815.50
19-103	91299	06/21/2019	207-344-42101	ON CALL SERVICES 5//5/31	3,281.08
Vendor KEN09 - KENNEDY AND ASSOCIATES, INC. Total:					4,096.58
Vendor: KUB00 - KUBWATER RESOURCES, INC.					
08707	91353	06/28/2019	500-641-44303	ZETAG TOTES TP	11,464.71
Vendor KUB00 - KUBWATER RESOURCES, INC. Total:					11,464.71
Vendor: LAN15 - LANGUAGE LINE SERVICES					
4564804	91300	06/21/2019	100-223-42101	OVER THE PHONE INTERPRETATION	95.88
Vendor LAN15 - LANGUAGE LINE SERVICES Total:					95.88
Vendor: 1600 - LATOYA YOUNG					
62419	91354	06/28/2019	209-551-38112	REFUND FOR BOUNCE HOUSE CANCELLATION	50.00
Vendor 1600 - LATOYA YOUNG Total:					50.00
Vendor: BRU10 - LINDA BRUNS					
JULY 2019	91355	06/28/2019	100-117-41101	RETIREE MEDICAL REIMBURSEMENT FOR JULY 2019	33.61
Vendor BRU10 - LINDA BRUNS Total:					33.61
Vendor: HAR34 - LORRAINE HARTNETT					
61419	91301	06/21/2019	100-110-42514	REIMBURSEMENT PURCHASE OF BOTTLE WATER FOR CITY CO	10.28
Vendor HAR34 - LORRAINE HARTNETT Total:					10.28
Vendor: 1545 - Maritza Sanchez					
62119	91302	06/21/2019	100-221-42514	PETTY CASH REPORT- PD	248.44
Vendor 1545 - Maritza Sanchez Total:					248.44
Vendor: DRA01 - MARY DRAZBA					
JULY 2019	91356	06/28/2019	100-117-41101	RETIREE MEDICAL REIMBURSEMENT FOR JULY 2019	103.16
Vendor DRA01 - MARY DRAZBA Total:					103.16
Vendor: 1311 - M-GROUP					
1001081	91303	06/21/2019	212-461-42101	PROFESSIONAL SERVICES THROUGH 4/30/19	7,130.00
1001154	91303	06/21/2019	212-461-42101	PROFESSIONAL SERVICES THROUGH 5/31/19	9,085.00
Vendor 1311 - M-GROUP Total:					16,215.00
Vendor: ROG02 - MILES ROGERS					
JULY 2019	91357	06/28/2019	100-117-41101	RETIREE MEDICAL REIMBURSEMENT FOR JULY 2019	437.73
Vendor ROG02 - MILES ROGERS Total:					437.73
Vendor: MUN07 - MUNICIPAL POOLING AUTH.					
A051912	91358	06/28/2019	100-221-46201	UNMET LIABILITY DEDUCTIBLE MAY 2019	875.00
Vendor MUN07 - MUNICIPAL POOLING AUTH. Total:					875.00

WARRANT LISTING

Payment Dates: 06/15/2019 - 06/28/2019

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: 1036 - NANCY VOISEY					
JULY 2019	91359	06/28/2019	100-117-41101	RETIREE MEDICAL REIMBURSEMENT FOR JULY 2019	351.82
Vendor 1036 - NANCY VOISEY Total:					351.82
Vendor: O'R01 - O'REILLY AUTOMOTIVE, INC					
MAY 28 19	91304	06/21/2019	100-221-42107	MAY STATEMENT FULL PAYMENT	21.83
MAY 28 19	91304	06/21/2019	100-343-42107	MAY STATEMENT FULL PAYMENT	146.82
MAY 28 19	91304	06/21/2019	100-345-42107	MAY STATEMENT FULL PAYMENT	18.55
MAY 28 19	91304	06/21/2019	209-552-42107	MAY STATEMENT FULL PAYMENT	166.46
MAY 28 19	91304	06/21/2019	500-642-42107	MAY STATEMENT FULL PAYMENT	320.79
Vendor O'R01 - O'REILLY AUTOMOTIVE, INC Total:					674.45
Vendor: OTI01 - OTIS ELEVATOR COMPANY					
SK05793N319	91360	06/28/2019	209-554-42108	3/1-3/31/19 MAINTENANCE FOR YOUTH CENTER	185.66
Vendor OTI01 - OTIS ELEVATOR COMPANY Total:					185.66
Vendor: PGE01 - P.G.& E.					
JUNE 19-0081	91361	06/28/2019	200-342-43103	2501 SAN PABLO AVE TRAFFIC CONTROLLER	63.87
JUNE 19-0209	91361	06/28/2019	200-342-43103	S/E CORNER SAN PABLO AVE & TENNENT TRAFFIC SIGNAL	67.84
JUNE 19-0217	91361	06/28/2019	100-345-43103	TENNENT & PARK ST CLUB HOUSE	59.61
JUNE 19-0466	91361	06/28/2019	209-554-43103	635 TENNENT AVE YOUTH CTR/CATV	74.31
JUNE 19-0466	91361	06/28/2019	505-119-43103	635 TENNENT AVE YOUTH CTR/CATV	111.47
JUNE 19-0498	91305	06/21/2019	100-231-43103	3790 PINOLE VALLEY RD FIRESTATION	399.86
JUNE 19-0813	91361	06/28/2019	200-342-43103	2149 1/2 APPIAN WAY TRAFFIC SIGNAL	44.43
JUNE 19-0883	91305	06/21/2019	100-222-43103	800 TENNENT AVE PUBLI C SAFETY FACILITY	215.16
JUNE 19-0883	91305	06/21/2019	100-223-43103	800 TENNENT AVE PUBLI C SAFETY FACILITY	43.03
JUNE 19-0883	91305	06/21/2019	100-231-43103	800 TENNENT AVE PUBLI C SAFETY FACILITY	172.14
JUNE 19-0923	91361	06/28/2019	100-110-43103	2131 PEAR ST	94.12
JUNE 19-0923	91361	06/28/2019	100-111-43103	2131 PEAR ST	123.84
JUNE 19-0923	91361	06/28/2019	100-112-43103	2131 PEAR ST	136.24
JUNE 19-0923	91361	06/28/2019	100-115-43103	2131 PEAR ST	339.33
JUNE 19-0923	91361	06/28/2019	100-116-43103	2131 PEAR ST	99.08
JUNE 19-0923	91361	06/28/2019	100-117-43103	2131 PEAR ST	1,102.21
JUNE 19-0923	91361	06/28/2019	100-343-43103	2131 PEAR ST	2,053.34
JUNE 19-0923	91361	06/28/2019	200-342-43103	2131 PEAR ST	359.15
JUNE 19-0923	91361	06/28/2019	212-461-43103	2131 PEAR ST	148.61
JUNE 19-0923	91361	06/28/2019	212-462-43103	2131 PEAR ST	374.01
JUNE 19-0923	91361	06/28/2019	285-464-43103	2131 PEAR ST	123.84
JUNE 19-1121	91361	06/28/2019	200-342-43103	DEL MONTE & SAN PABLO TRAFFIC CONTROL LIGHT	60.06
JUNE 19-1156	91305	06/21/2019	209-554-43103	635 TENNENT AVE YOUTH CTR/CATV	49.80
JUNE 19-1156	91305	06/21/2019	505-119-43103	635 TENNENT AVE YOUTH CTR/CATV	74.71
JUNE 19-1233	91361	06/28/2019	200-342-43103	SAN PABLO AVE TRAFFIC SIGNAL	80.92

WARRANT LISTING

Payment Dates: 06/15/2019 - 06/28/2019

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
JUNE 19-1462	91305	06/21/2019	209-552-43103	2500 CHARLES ST SENIOR CENTER	211.28
JUNE 19-1801	91305	06/21/2019	209-553-43103	2454 SIMAS AVE REC CTR & POOL	40.34
JUNE 19-2506	91361	06/28/2019	215-341-43103	701 Pinon/2489 San Pablo-Electric CHGS	40.50
JUNE 19-2615	91361	06/28/2019	100-345-43103	S/E CORNER OF ROGERS & NOB HILL SPRINKLER SYSTEM	9.86
JUNE 19-2620	91361	06/28/2019	200-342-43103	N/W CORNER APPIAN WAY & FITZGERALD DR TRAFFIC SIG	71.64
JUNE 19-2793	91361	06/28/2019	200-342-43103	1451 FITZGERALD DR TRAFFIC SIGNAL	69.57
JUNE 19-2969	91361	06/28/2019	201-343-43103	600 Tennent Ave-Blackies Storage	22.35
JUNE 19-3029	91305	06/21/2019	100-345-43103	1270 ADOBE RD @ OUTSIDE BATHROOMS	81.69
JUNE 19-3311	91361	06/28/2019	200-342-43103	PINOLE VALLEY RD & HENRY TRAFFIC CONTROLLER	90.95
JUNE 19-3537	91361	06/28/2019	100-343-43103	659 TENNENT AVE PARKING LOT LIGHTS	59.73
JUNE 19-3834	91305	06/21/2019	100-231-43103	3790 PINOLE VALLEY RD FIRESTATION	29.92
JUNE 19-3850	91361	06/28/2019	100-345-43103	601 TENNENT AVE CARETAKER'S SHED	97.38
JUNE 19-3914	91361	06/28/2019	100-345-43103	FERNANDEZ PARK BALLPARK LIGHTING	142.67
JUNE 19-4065	91361	06/28/2019	209-559-43103	2937 PINOLE VALLEY RD TENNIS CT LIGHTS	178.73
JUNE 19-4193	91361	06/28/2019	200-342-43103	HWY 80 PINOLE VALLEY RD TRAFFIC CONTROLLER	47.76
JUNE 19-4368	91361	06/28/2019	200-342-43103	APPIAN WAY & TARA HILLS TRAFFIC SIGNAL	106.18
JUNE 19-4612	91361	06/28/2019	201-343-43103	2100 SAN PABLO AVE FARIA HOUSE	47.60
june 19-4951	91361	06/28/2019	201-343-43103	2279 1/2 PARK ST	2.37
JUNE 19-5127	91361	06/28/2019	500-642-43103	893 1/2 SAN PABLO AVE PUMP STATION	120.07
JUNE 19-5137	91361	06/28/2019	209-557-43103	2450 SIMAS AVE SWIM CTR	1,470.51
june 19-5274	91361	06/28/2019	201-343-43103	2361 SAN PABLO AVE OLD BANK BUILDING	39.81
JUNE 19-5374	91361	06/28/2019	200-342-43103	1220 PINOLE VALLEY RD TRAFFIC SIGNAL	77.30
JUNE 19-5387	91361	06/28/2019	100-345-43103	588 MARLESTA RD LOUIS FRANCIS PARK	30.73
JUNE 19-6043	91305	06/21/2019	100-231-43103	3790 PINOLE VALLEY RD	29.46
JUNE 19-6969	91361	06/28/2019	201-343-43103	2361 SAN PABLO AVE PARKING LOT LIGHTS	67.62
JUNE 19-7114	91361	06/28/2019	200-342-43103	2429 SAN PABLO AVE	48.32
JUNE 19-7186	91305	06/21/2019	209-558-43103	601 TENNENT AVE PUBLIC MEETING HALL	8.12
JUNE 19-7509	91361	06/28/2019	200-342-43103	TARA HILLS DR 500 FT APPIAN WAY TRAFFIC SIGNAL	57.90
JUNE 19-7964	91361	06/28/2019	310-348-43103	2680 PINOLE VALLEY RD MEDIAN IRRIGATION SHOPPING C	10.70
JUNE 19-8086	91361	06/28/2019	200-342-43103	N/S BORDER CITY OF PINOLE	94.17
JUNE 19-8517	91305	06/21/2019	500-642-43103	FRT OF 3490 SAVAGE AVE PUMP FOR SEWER	9.87
JUNE 19-8687	91361	06/28/2019	200-342-43103	FITZGERALD DR IFO LONG JOHN SILVERS TRAFFIC SIGNAL	75.62
JUNE 19-8716	91305	06/21/2019	500-641-43103	SEWAGE PLNT-FT OF TENNENT	1,936.75
JUNE 19-9824	91361	06/28/2019	310-347-43103	1303 PINOLE VALLEY RD TRAFFIC CONTROL SVC	90.85

WARRANT LISTING

Payment Dates: 06/15/2019 - 06/28/2019

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
JUNE 19-9985	91361	06/28/2019	201-343-43103	NEAR 795 FERNANDEZ PARKING LOT LIGHTS	136.42
Vendor: PAC41 - PACIFIC ECORISK				Vendor PGE01 - P.G. & E. Total:	12,125.72
155444	91306	06/21/2019	500-641-44305	NPDES TOXICITY TESTING- TP	1,046.00
Vendor: PAC55 - PACIFIC SITE MANAGEMENT				Vendor PAC41 - PACIFIC ECORISK Total:	1,046.00
52886	91307	06/21/2019	100-222-42108	MONTHLY LANDSCAPE MAINTENANCE	122.50
52886	91307	06/21/2019	100-231-42108	MONTHLY LANDSCAPE MAINTENANCE	327.50
52886	91307	06/21/2019	100-343-42108	MONTHLY LANDSCAPE MAINTENANCE	174.40
52886	91307	06/21/2019	100-345-42108	MONTHLY LANDSCAPE MAINTENANCE	5,619.33
52886	91307	06/21/2019	200-342-42108	MONTHLY LANDSCAPE MAINTENANCE	326.00
52886	91307	06/21/2019	201-343-42108	MONTHLY LANDSCAPE MAINTENANCE	532.60
52886	91307	06/21/2019	209-552-42108	MONTHLY LANDSCAPE MAINTENANCE	198.00
52886	91307	06/21/2019	209-553-42108	MONTHLY LANDSCAPE MAINTENANCE	206.00
52886	91307	06/21/2019	209-557-42108	MONTHLY LANDSCAPE MAINTENANCE	206.00
52886	91307	06/21/2019	310-347-42108	MONTHLY LANDSCAPE MAINTENANCE	60.00
52886	91307	06/21/2019	310-348-42108	MONTHLY LANDSCAPE MAINTENANCE	65.00
Vendor PAC55 - PACIFIC SITE MANAGEMENT Total:					7,837.33
Vendor: 1469 - PAN-PACIFIC SUPPLY COMPANY					
29602492	91308	06/21/2019	500-641-42107	PARTS- TP	1,215.00
Vendor 1469 - PAN-PACIFIC SUPPLY COMPANY Total:					1,215.00
Vendor: ATH02 - PATRICIA ATHENOUR					
JULY 2019	91364	06/28/2019	100-117-41101	RETIREE MEDICAL REIMBURSEMENT FOR JULY 2019	202.00
Vendor ATH02 - PATRICIA ATHENOUR Total:					202.00
Vendor: CLA17 - PAUL CLANCY					
JULY 2019	91365	06/28/2019	100-117-41101	RETIREE MEDICAL REIMBURSEMENT FOR JULY 2019	352.33
Vendor CLA17 - PAUL CLANCY Total:					352.33
Vendor: 1009 - PRECISION IT CONSULTING					
9528	91366	06/28/2019	105-221-47101	Laptop and AV Equipment- PD	4,174.81
9666	91309	06/21/2019	525-118-42106	SYMANTEC RENEWAL- IT	1,392.96
9762	91366	06/28/2019	105-221-47101	New Laptop and Video Equipment- PD	320.00
9763	91366	06/28/2019	100-343-44301	New Laptop for Tamara Miller Labor- PW	320.00
9764	91366	06/28/2019	105-221-47101	Video Reporting Computer Labor- PD	320.00
9765	91366	06/28/2019	100-343-44301	New Computer for FUEl Program-Labor	160.00
9845	91366	06/28/2019	525-118-42101	JULY Agreement Precision 360 Gold	13,721.76
Vendor 1009 - PRECISION IT CONSULTING Total:					20,409.53
Vendor: RAN06 - RANEY PLANNING & MANAGEMENT, INC.					
1937E-1	91367	06/28/2019	106-344-47206	Pinole Square Redevelopment Labor May 2019	475.00

WARRANT LISTING

Payment Dates: 06/15/2019 - 06/28/2019

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
1940E-1	91367	06/28/2019	106-344-47206	Extra Space Storage IS/MDN Labor May 2019	4,498.30
Vendor RAN06 - RANEY PLANNING & MANAGEMENT, INC. Total:					4,973.30
Vendor: 1203 - ROBERT SMITH					
62419	91368	06/28/2019	209-20309	PYC RENTAL 6/2/19 DEPOSIT REFUND	250.00
Vendor 1203 - ROBERT SMITH Total:					250.00
Vendor: 1599 - ROSE WILLIS					
62419	91369	06/28/2019	209-20309	PYC RENTAL 8/4/19 DEPOSIT REFUND	250.00
Vendor 1599 - ROSE WILLIS Total:					250.00
Vendor: ROS08 - RSG, INC.					
I004843	91370	06/28/2019	285-464-42101	Compliance Monitoring- Year 2	62.50
I004844	91370	06/28/2019	285-464-42101	Affordable Housing RFP and Developer Selection	995.00
Vendor ROS08 - RSG, INC. Total:					1,057.50
Vendor: J&O01 - RUBBER DUST INC.					
122145	91371	06/28/2019	100-342-42107	VEHICLE MAINTENANCE- PW	126.43
Vendor J&O01 - RUBBER DUST INC. Total:					126.43
Vendor: 1204 - S & L BODY AND FRAME					
231	91372	06/28/2019	100-221-42107	MAY 2019 WASHING CARS- PD	425.00
232	91372	06/28/2019	100-221-42107	JUNE 2019 WASHING CARS- PD	425.00
Vendor 1204 - S & L BODY AND FRAME Total:					850.00
Vendor: 1604 - S & S INVESTMENT CLUB					
21101	91373	06/28/2019	100-221-42514	CLUB CARD PRECEDENT- PD	5,000.00
Vendor 1604 - S & S INVESTMENT CLUB Total:					5,000.00
Vendor: SCO07 - SCOTT'S PPE RECON, INC.					
34602	91310	06/21/2019	100-231-44410	REPAIRS- FD	1,305.31
34859	91310	06/21/2019	100-231-44410	REPAIRS- FD	1,851.89
Vendor SCO07 - SCOTT'S PPE RECON, INC. Total:					3,157.20
Vendor: SEC01 - SECRETARY OF STATE					
62619	91374	06/28/2019	100-112-42301	NOTARY COMMISSION RENEWAL FEE	40.00
Vendor SEC01 - SECRETARY OF STATE Total:					40.00
Vendor: SQU00 - SQUARE DEAL GARAGE					
27109	91311	06/21/2019	100-345-42107	MAINTENANCE- TP	513.06
27112	91311	06/21/2019	100-221-42107	MAINTENANCE- PD	564.98
28116	91375	06/28/2019	100-343-42107	PARTS/MAINTENANCE- CORP YARD	723.86
28137	91375	06/28/2019	100-222-42107	PARTS/MAINTENANCE- PD	352.17
28151	91375	06/28/2019	100-343-42107	PARTS/MAINTENANCE- CORP YARD	353.45
Vendor SQU00 - SQUARE DEAL GARAGE Total:					2,507.52
Vendor: STA42 - STAPLES BUSINESS CREDIT					
may 25 19	91312	06/21/2019	100-112-42101	MONTHLY STMT FULL PAYMENT	547.88
may 25 19	91312	06/21/2019	100-117-42201	MONTHLY STMT FULL PAYMENT	513.33
may 25 19	91312	06/21/2019	100-222-42201	MONTHLY STMT FULL PAYMENT	424.69
may 25 19	91312	06/21/2019	100-223-42201	MONTHLY STMT FULL PAYMENT	1,341.81
may 25 19	91312	06/21/2019	100-231-42201	MONTHLY STMT FULL PAYMENT	69.96
Vendor STA42 - STAPLES BUSINESS CREDIT Total:					2,897.67

WARRANT LISTING

Payment Dates: 06/15/2019 - 06/28/2019

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: 1598 - TIFFANY HOLLISTER					
60419	91376	06/28/2019	209-20309	PYC RENTAL 6/01/19 DEPOSIT REFUND	250.00
Vendor 1598 - TIFFANY HOLLISTER Total:					250.00
Vendor: UNIO7 - UNIVERSAL BUILDING SVCS.					
248141	91377	06/28/2019	100-343-42514	SANITARY SUPPLIES FOR CORP YARD	294.18
Vendor UNIO7 - UNIVERSAL BUILDING SVCS. Total:					294.18
Vendor: VIS01 - VISION SERVICE PLAN					
JULY 2019	91378	06/28/2019	100-110-41003	VISION PREMIUMS FOR JULY 2019	74.44
JULY 2019	91378	06/28/2019	100-111-41003	VISION PREMIUMS FOR JULY 2019	18.61
JULY 2019	91378	06/28/2019	100-112-41003	VISION PREMIUMS FOR JULY 2019	18.61
JULY 2019	91378	06/28/2019	100-113-41003	VISION PREMIUMS FOR JULY 2019	18.61
JULY 2019	91378	06/28/2019	100-115-41003	VISION PREMIUMS FOR JULY 2019	55.83
JULY 2019	91378	06/28/2019	100-116-41003	VISION PREMIUMS FOR JULY 2019	37.22
JULY 2019	91378	06/28/2019	100-117-41003	VISION PREMIUMS FOR JULY 2019	18.61
JULY 2019	91378	06/28/2019	100-221-41003	VISION PREMIUMS FOR JULY 2019	428.03
JULY 2019	91378	06/28/2019	100-222-41003	VISION PREMIUMS FOR JULY 2019	55.83
JULY 2019	91378	06/28/2019	100-223-41003	VISION PREMIUMS FOR JULY 2019	223.32
JULY 2019	91378	06/28/2019	100-231-41003	VISION PREMIUMS FOR JULY 2019	204.71
JULY 2019	91378	06/28/2019	100-341-41003	VISION PREMIUMS FOR JULY 2019	55.83
JULY 2019	91378	06/28/2019	100-343-41003	VISION PREMIUMS FOR JULY 2019	93.05
JULY 2019	91378	06/28/2019	105-221-41003	VISION PREMIUMS FOR JULY 2019	55.83
JULY 2019	91378	06/28/2019	105-231-40101	VISION PREMIUMS FOR JULY 2019	18.61
JULY 2019	91378	06/28/2019	106-231-41003	VISION PREMIUMS FOR JULY 2019	18.61
JULY 2019	91378	06/28/2019	204-227-41003	VISION PREMIUMS FOR JULY 2019	18.61
JULY 2019	91378	06/28/2019	209-551-41003	VISION PREMIUMS FOR JULY 2019	18.61
JULY 2019	91378	06/28/2019	209-552-41003	VISION PREMIUMS FOR JULY 2019	37.22
JULY 2019	91378	06/28/2019	209-554-41003	VISION PREMIUMS FOR JULY 2019	18.61
JULY 2019	91378	06/28/2019	500-641-41003	VISION PREMIUMS FOR JULY 2019	186.10
JULY 2019	91378	06/28/2019	500-642-41003	VISION PREMIUMS FOR JULY 2019	93.05
JULY 2019	91378	06/28/2019	505-119-41003	VISION PREMIUMS FOR JULY 2019	37.22
JULY 2019	91378	06/28/2019	998-20106	VISION PREMIUMS FOR JULY 2019	93.05
Vendor VIS01 - VISION SERVICE PLAN Total:					1,898.22
Vendor: 1534 - WALKUP INVESTIGATIONS					
2019-26	91313	06/21/2019	100-221-42101	P.O.S.T. BACKGROUND INVESTIGATION	1,300.00
Vendor 1534 - WALKUP INVESTIGATIONS Total:					1,300.00

WARRANT LISTING

Payment Dates: 06/15/2019 - 06/28/2019

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: WEL38 - WELLS FARGO BANK, WF 8113					
1709911	91314	06/21/2019	100-117-48103	ADMINISTRATION CHARGES PERIOD 6/29/2018-6/28/2019	2,500.00
Vendor WEL38 - WELLS FARGO BANK, WF 8113 Total:					2,500.00
Vendor: WES01 - WESTERN EXTERMINATOR CO.					
MAY 19 11 TENNENT	91315	06/21/2019	500-641-42108	PEST CTRL SVCS FOR 11 TENNENT--CORP YARD	66.00
MAY 19 SC	91315	06/21/2019	209-552-42108	PEST CTRL SVCS FOR 2500 CHARLES ST-SNR CTR	68.00
Vendor WES01 - WESTERN EXTERMINATOR CO. Total:					134.00
Vendor: 1520 - WEX BANK					
59637847	91316	06/21/2019	100-221-44301	FUEL PURCHASE- PD	342.82
Vendor 1520 - WEX BANK Total:					342.82
Vendor: 1603 - WRAP TECHNOLOGIES, INC.					
203	91379	06/28/2019	105-221-47101	SUPPLIES -PD	5,204.40
Vendor 1603 - WRAP TECHNOLOGIES, INC. Total:					5,204.40
Vendor: XER01 - XEROX CORPORATION					
096819061	91317	06/21/2019	525-118-42107	EQUIPMENT/MAINTENANCE/SU PPLIES- CITY HALL	1,378.48
096819062	91317	06/21/2019	525-118-42107	EQUIPMENT/MAINTENANCE/SU PPLIES-	420.79
096819063	91317	06/21/2019	525-118-42107	EQUIPMENT/MAINTENANCE/SU PPLIES- FIRE DEPT	77.72
096819066	91317	06/21/2019	525-118-42107	EQUIPMENT/MAINTENANCE/SU PPLIES- WPCP	253.97
096819097	91317	06/21/2019	525-118-42107	EQUIPMENT/MAINTENANCE/SU PPLIES-	464.67
096915619	91317	06/21/2019	525-118-42107	EQUIPMENT/MAINTENANCE/SU PPLIES- CORP YARD	234.27
097122431	91317	06/21/2019	525-118-42107	EQUIPMENT/MAINTENANCE/SU PPLIES- CITY HALL 1ST FL	404.05
723022059	91317	06/21/2019	525-118-42107	EQUIPMENT/MAINTENANCE/SU PPLIES- YOUTH CENTER	393.13
Vendor XER01 - XEROX CORPORATION Total:					3,627.08
Vendor: 1596 - XIAO HONG ZHU					
62419	91380	06/28/2019	500-641-42401	REIMBURSEMENT FOR WASTEWATER GRADE III CERTIFICATI	170.00
Vendor 1596 - XIAO HONG ZHU Total:					170.00
Vendor: ZOL02 - ZOLL					
INV00038980	91318	06/21/2019	525-118-42106	FireRMS Enterprise Edition Per Station Qtr Mainten	157.50
Vendor ZOL02 - ZOLL Total:					157.50
Grand Total:					267,414.85

Report Summary

Fund Summary

Fund	Payment Amount
100 - General Fund	96,748.69
105 - Measure S -2006	46,796.11
106 - MEASURE S-2014	6,394.88
200 - Gas Tax Fund	1,741.68
201 - Restricted Real Estate Maintenance Fund	948.77
204 - Police Grants	30.01
207 - NPDES Storm Water Fund	4,219.78
209 - Recreation Fund	12,895.31
212 - Building & Planning	31,025.42
215 - Measure C and J Fund	4,820.35
285 - Housing Land Held for Resale	1,181.34
310 - Lighting & Landscape Districts	1,516.29
500 - Sewer Enterprise Fund	28,192.45
505 - Cable Access TV	246.20
525 - Information Systems	30,564.52
998 - Payroll Clearing	93.05
Grand Total:	267,414.85

Account Summary

Account Number	Account Name	Payment Amount
100-10601	Gas Tanks/Corp Yard	4,259.32
100-10602	Gas Tanks/Fire Station	1,107.27
100-110-41003	Emp Benefits/Vision Care	74.44
100-110-41005	Emp Benefits/Employee A...	68.40
100-110-42303	Travel & Training/Meal Al...	75.00
100-110-42514	Admin Exp/Special Depart	10.28
100-110-43103	Utilities/Electricity & Pow...	94.12
100-111-41003	Emp Benefits/Vision Care	18.61
100-111-41005	Emp Benefits/Employee A...	11.40
100-111-43103	Utilities/Electricity & Pow...	123.84
100-112-41003	Emp Benefits/Vision Care	18.61
100-112-41005	Emp Benefits/Employee A...	11.40
100-112-42101	Prof Svcs/Professional Ser...	547.88
100-112-42301	Travel & Training/Conf-Re...	40.00
100-112-42303	Travel & Training/Meal Al...	25.00
100-112-43103	Utilities/Electricity & Pow...	136.24
100-113-41003	Emp Benefits/Vision Care	18.61
100-115-41003	Emp Benefits/Vision Care	55.83
100-115-41005	Emp Benefits/Employee A...	34.20
100-115-43103	Utilities/Electricity & Pow...	339.33
100-116-41003	Emp Benefits/Vision Care	37.22
100-116-41005	Emp Benefits/Employee A...	22.80
100-116-42101	Prof Svcs/Professional Ser...	2,123.00
100-116-42302	Travel & Training/Mileage...	87.14
100-116-42514	Admin Exp/Special Depart	435.81
100-116-43103	Utilities/Electricity & Pow...	99.08
100-117-41003	Emp Benefits/Vision Care	18.61
100-117-41005	Emp Benefits/Employee A...	22.80
100-117-41101	Retiree Benefits/Medical...	3,987.73
100-117-42201	Office Expense	513.33
100-117-43103	Utilities/Electricity & Pow...	1,102.21
100-117-43105	Utilities/Cable	29.89
100-117-48103	Cost of Issuance	2,500.00
100-221-41003	Emp Benefits/Vision Care	428.03
100-221-41005	Emp Benefits/Employee A...	239.40
100-221-42101	Prof Svcs/Professional Ser...	1,300.00
100-221-42107	Prof Svcs/Equipment Mal...	1,436.81

Account Summary

Account Number	Account Name	Payment Amount
100-221-42301	Travel & Training/Conf-Re...	149.00
100-221-42302	Travel & Training/Mileage,...	44.70
100-221-42514	Admin Exp/Special Depart	5,565.97
100-221-44301	Other Materials Supp/Fuel	342.82
100-221-44410	Safety Clothing	578.08
100-221-46201	Insurance/General Liability	875.00
100-222-41003	Emp Benefits/Vision Care	55.83
100-222-41005	Emp Benefits/Employee A...	34.20
100-222-42107	Prof Svcs/Equipment Mai...	352.17
100-222-42108	Prof Svcs/Building-Structu...	122.50
100-222-42201	Office Expense	642.57
100-222-42514	Admin Exp/Special Depart	385.45
100-222-43103	Utilities/Electricity & Pow...	215.16
100-223-41003	Emp Benefits/Vision Care	223.32
100-223-41005	Emp Benefits/Employee A...	136.80
100-223-42101	Prof Svcs/Professional Ser...	95.88
100-223-42201	Office Expense	1,341.81
100-223-43103	Utilities/Electricity & Pow...	43.03
100-231-41003	Emp Benefits/Vision Care	204.71
100-231-41005	Emp Benefits/Employee A...	114.00
100-231-41008	Emp Benefits/Long Term ...	245.00
100-231-42101	Prof Svcs/Professional Ser...	20,480.00
100-231-42108	Prof Svcs/Building-Structu...	327.50
100-231-42201	Office Expense	69.96
100-231-43101	Utilities/Telephone	7.85
100-231-43102	Utilities/Water	384.31
100-231-43103	Utilities/Electricity & Pow...	631.38
100-231-44410	Safety Clothing	3,414.42
100-231-47102	FF&E/Computer Equipme...	8,208.00
100-341-41003	Emp Benefits/Vision Care	55.83
100-341-41005	Emp Benefits/Employee A...	34.20
100-342-42107	Prof Svcs/Equipment Mai...	126.43
100-342-42514	Admin Exp/Special Depart	682.13
100-342-44410	Safety Clothing	284.11
100-343-41003	Emp Benefits/Vision Care	93.05
100-343-41005	Emp Benefits/Employee A...	79.80
100-343-42101	Prof Svcs/Professional Ser...	13,354.14
100-343-42107	Prof Svcs/Equipment Mai...	1,224.13
100-343-42108	Prof Svcs/Building-Structu...	1,298.06
100-343-42514	Admin Exp/Special Depart	2,127.38
100-343-43103	Utilities/Electricity & Pow...	2,113.07
100-343-44301	Other Materials Supp/Fuel	480.00
100-343-44410	Safety Clothing	158.40
100-345-42107	Prof Svcs/Equipment Mai...	531.61
100-345-42108	Prof Svcs/Building-Structu...	5,619.33
100-345-42514	Admin Exp/Special Depart	659.61
100-345-43102	Utilities/Water	624.97
100-345-43103	Utilities/Electricity & Pow...	421.94
100-465-42201	Office Expense	35.44
105-115-42101	Prof Svcs/Professional Ser...	556.86
105-221-41003	Emp Benefits/Vision Care	55.83
105-221-41005	Emp Benefits/Employee A...	34.20
105-221-47101	FF&E/Equipment	29,319.21
105-231-40101	Salary & Wages/Full Time	18.61
105-231-41005	Emp Benefits/Employee A...	11.40
105-231-42101	Prof Svcs/Professional Ser...	16,800.00
106-115-42101	Prof Svcs/Professional Ser...	1,391.57
106-231-41003	Emp Benefits/Vision Care	18.61

Account Summary

Account Number	Account Name	Payment Amount
106-231-41005	Emp Benefits/Employee A...	11.40
106-344-47206	Improvements/Storm Dra...	4,973.30
200-342-42108	Prof Svcs/Building-Structu...	326.00
200-342-43103	Utilities/Electricity & Pow...	1,415.68
201-343-42108	Prof Svcs/Building-Structu...	532.60
201-343-42513	Admin Exp/Rent	100.00
201-343-43103	Utilities/Electricity & Pow...	316.17
204-227-41003	Emp Benefits/Vision Care	18.61
204-227-41005	Emp Benefits/Employee A...	11.40
207-344-42101	Prof Svcs/Professional Ser...	4,096.58
207-344-44410	Safety Clothing	123.20
209-20308	Deposits Payable/Recreat...	1,000.00
209-20309	Deposits Payable/Recreat...	1,332.50
209-551-38112	Rental Income/Facility Re...	50.00
209-551-41003	Emp Benefits/Vision Care	18.61
209-551-41005	Emp Benefits/Employee A...	11.40
209-552-36409	Recreation Chg/Class Fee	50.00
209-552-38112	Rental Income/Facility Re...	-90.00
209-552-41003	Emp Benefits/Vision Care	37.22
209-552-41005	Emp Benefits/Employee A...	11.40
209-552-41007	Emp Benefits/Life-ADD	11.40
209-552-42107	Prof Svcs/Equipment Mai...	166.46
209-552-42108	Prof Svcs/Building-Structu...	266.00
209-552-43103	Utilities/Electricity & Pow...	211.28
209-552-43804	Program Cost/Food Progr...	1,702.63
209-552-43807	Program Cost/Fundraising	647.97
209-553-41005	Emp Benefits/Employee A...	11.40
209-553-42108	Prof Svcs/Building-Structu...	206.00
209-553-43102	Utilities/Water	26.54
209-553-43103	Utilities/Electricity & Pow...	40.34
209-554-41003	Emp Benefits/Vision Care	18.61
209-554-41005	Emp Benefits/Employee A...	11.40
209-554-42108	Prof Svcs/Building-Structu...	4,158.67
209-554-43103	Utilities/Electricity & Pow...	124.11
209-554-43812	Program Cost/Youth Cent...	150.00
209-557-42108	Prof Svcs/Building-Structu...	206.00
209-557-43102	Utilities/Water	858.01
209-557-43103	Utilities/Electricity & Pow...	1,470.51
209-558-43103	Utilities/Electricity & Pow...	8.12
209-559-43103	Utilities/Electricity & Pow...	178.73
212-461-42101	Prof Svcs/Professional Ser...	16,215.00
212-461-42201	Office Expense	26.40
212-461-43103	Utilities/Electricity & Pow...	148.61
212-462-41005	Emp Benefits/Employee A...	11.40
212-462-42101	Prof Svcs/Professional Ser...	14,250.00
212-462-43103	Utilities/Electricity & Pow...	374.01
215-341-43103	Utilities/Electricity & Pow...	40.50
215-343-47205	Improvements/Streets	4,779.85
285-464-42101	Prof Svcs/Professional Ser...	1,057.50
285-464-43103	Utilities/Electricity & Pow...	123.84
310-347-42101	Prof Svcs/Professional Ser...	852.61
310-347-42108	Prof Svcs/Building-Structu...	60.00
310-347-43103	Utilities/Electricity & Pow...	90.85
310-348-42101	Prof Svcs/Professional Ser...	437.13
310-348-42108	Prof Svcs/Building-Structu...	65.00
310-348-43103	Utilities/Electricity & Pow...	10.70
500-641-41003	Emp Benefits/Vision Care	186.10
500-641-41005	Emp Benefits/Employee A...	114.00

Account Summary

Account Number	Account Name	Payment Amount
500-641-42107	Prof Svcs/Equipment Mai...	5,387.10
500-641-42108	Prof Svcs/Building-Structu...	66.00
500-641-42401	Dues & Pub/Memberships	170.00
500-641-43103	Utilities/Electricity & Pow...	1,936.75
500-641-44302	Other Materials Supp/Slu...	3,546.14
500-641-44303	Other Materials Supp/Ch...	11,464.71
500-641-44305	Other Materials Supp/Lab...	3,036.94
500-641-44410	Safety Clothing	1,348.01
500-642-41003	Emp Benefits/Vision Care	93.05
500-642-41005	Emp Benefits/Employee A...	34.20
500-642-42107	Prof Svcs/Equipment Mai...	320.79
500-642-42401	Dues & Pub/Memberships	188.00
500-642-43103	Utilities/Electricity & Pow...	129.94
500-642-44410	Safety Clothing	170.72
505-119-41003	Emp Benefits/Vision Care	37.22
505-119-41005	Emp Benefits/Employee A...	22.80
505-119-43103	Utilities/Electricity & Pow...	186.18
525-118-42101	Prof Svcs/Professional Ser...	13,721.76
525-118-42106	Prof Svcs/Software Maint...	1,550.46
525-118-42107	Prof Svcs/Equipment Mai...	3,627.08
525-118-42510	Admin Exp/Software Purch	710.41
525-118-43101	Utilities/Telephone	10,954.81
998-20106	Sal & Ben Payable/Vision ...	93.05
	Grand Total:	267,414.85

Project Account Summary

Project Account Key	Payment Amount
None	267,414.85
Grand Total:	267,414.85

Approved By: _____


Date: 6/27/19



CITY COUNCIL REPORT

7C

DATE: JULY 2, 2019

TO: MAYOR AND COUNCIL MEMBERS

**FROM: MICHELLE FITZER, CITY MANAGER
HECTOR DE LA ROSA, ASSISTANT CITY MANAGER**

SUBJECT: AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TRI COMMERCIAL IN THE AMOUNT NOT TO EXCEED 6% OF THE SALES PRICE TO PROVIDE COMMERCIAL REAL ESTATE BROKER SERVICES FOR THE SALE OF SEVERAL FORMER REDEVELOPMENT AND HOUSING ASSETS

RECOMMENDATION

It is recommended that the City Council approve and authorize the City Manager to enter into a contract with TRI Commercial in the amount not to exceed 6% of the sales price to provide Commercial Real Estate Broker Services for the sale of several former Redevelopment and Housing assets.

BACKGROUND

In 2012, the California State Legislature passed AB 26 and AB 1484 dissolving Redevelopment Agencies. In accordance with AB 26 and AB 1484, the Agency prepared a list of all Redevelopment and the Department of Finance approved the City's Long Range Property Management Plan obligating the Successor Agency to dispose the assets with the sale proceeds to be submitted to the County for distribution to the various taxing agencies.

The former Pinole Redevelopment Agency also had several housing assets that were transferred to the City as the Housing Successor Agency. The Housing Successor Agency must sale or use of the assets for affordable housing purposes.

On March 10, 2016, the City issued a Request for Proposals (RFP) seeking qualified developers or development firm interested in purchasing and developing the two City/Agency owned sites located at 2361 San Pablo Ave (old Pinole Bank) and 2301 San Pablo Ave. (corner lot). Both of these properties are zoned Commercial Mixed Use (CMU). The City/Agency's suggestions for reuse included, but are not limited to: mixed use, restaurant, office, and/or commercial space. To date, the City has not received any formal proposals.

On September 1, 2016, the City issued another RFP for two properties located at 297 Park Street (Blackies) and 649 Tennent Ave. (Collins – Housing Successor Agency asset). Both of these properties are zoned Residential Mixed Use (RMU). The purpose of the RFP was to seek parties interested in maximizing the site's development potential and contributing to the vibrancy of the Downtown District area with a well-designed development that will provide for retail use, residential or a combination.

Following consideration of a couple of proposals for the Blackies and Collins sites, the City Council directed staff to issue an RFP seeking specialized services for the marketing, property value analysis, recommendations as to the best and highest use of the properties and review of purchase proposals for all four (4) properties.

While the City has the ability and experience to sell the properties, the intent is to seek a capable company/individual who is willing to develop the property.

REVIEW AND ANALYSIS

On April 25, 2019, the City released an RFP seeking proposals from Commercial Real Estate Brokers interested in marketing, seeking developers and selling four (4) former RDA and Housing Assets. As of the closing date of the RFP, May 23, 2019, the City received two proposals. The companies which submitted a proposal were TRI Commercial/CORFAC and RSG, Inc.

Staff has reviewed the proposals and scope of services for Commercial Real Estate Broker services and is recommending contracting with TRI Commercial. TRI Commercial has experience working with several local governmental agencies in Contra Costa County, marketing properties of similar size to those of Pinole, reviewing pro-forma's, and assisting in development/negotiation of sale agreements.

The term of the contract shall be 12 months from date of award. The contract may be renewed at the sole discretion of the City Manager for additional terms upon satisfactory performance by the broker/firm.

Below is a summary of the scope of services:

1. Performing market analysis.
2. Advice regarding building and property valuation, including suitability for lease to purchase.
3. Provide Broker's Opinions for all attached properties.
4. Provide Marketing materials and develop strategies for selected properties to be listed.
5. Review development/purchase/lease to purchase, pro-forma, and other financial related proposals and make recommendations to City on best use/option of properties.
6. Work with City Administration to negotiate the sale of the properties with buyers.
7. Coordinating real estate appraisals and real estate transaction closings.

The City Attorney will be primarily responsible for the preparation of the Purchase and Sale agreement (PSA), Disposition and Development Agreement (DDA), if required, and/or Affordable Housing Agreements (AHA).

FISCAL IMPACT

Funding for the 6% commission is available through the sale of the property. Staff and Attorney costs related with the sale of the properties will also be paid through the proceeds from the sale, as allowed under the dissolution law.

Sale proceeds and expenditures associated with the sale of former RDA properties will be charged to Fund 750 and Fund 250 for Housing assets.

ATTACHMENTS:

Attachment A:	Resolution
Attachment B:	Contract with TRI Commercial

RESOLUTION NO. 2019-XX

A RESOLUTION OF THE CITY OF PINOLE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TRI COMMERCIAL IN THE AMOUNT NOT TO EXCEED 6% OF THE SALES PRICE TO PROVIDE COMMERCIAL REAL ESTATE BROKER SERVICES FOR THE SALE OF SEVERAL FORMER REDEVELOPMENT AND HOUSING ASSETS

WHEREAS, the City, as the Successor Housing Agency and Successor to the former Redevelopment Agency, is the owner of certain real properties (the "Lands") located at 2301 San Pablo Ave. (corner lot), 2361 San Pablo Ave. (old Pinole Bank), 297 Park Street (Blackies) and 649 Tennent Ave. (Collins) in the City of Pinole, California, County Assessor's Parcel Numbers 401-162-001, 401-162-003, 401-142-010 and 401-142-011, respectively; and

WHEREAS, the Properties were purchased by the Redevelopment Agency/Housing Agency of the City of Pinole (the "Agency") with Redevelopment funds; and

WHEREAS, pursuant to the Dissolution Law the Agency was dissolved on February 1, 2012 and the Lands were transferred to the City pursuant to a long range property management plan; and

WHEREAS, the Lands are currently vacant and zoned as Commercial and Residential Mixed use (CMU/RMU); and

WHEREAS, the City desires to sell the Land for development; and

WHEREAS, on April 25, 2019, the City released a Request for Proposals (RFP) seeking proposals from Commercial Real Estate Brokers interested in marketing, seeking developers and selling the Lands; and

WHEREAS, as of the closing date of the RFP, May 23, 2019, TRI Commercial/CORFAC and RSG, Inc. submitted proposals; and

WHEREAS, following review of the proposals, TRI Commercial was selected to represent the City as its broker for development and sale of the Lands; and

WHEREAS, funding for the 6% commission as well as staff and attorney costs related to the sale of the properties will also be paid through the proceeds from the sale, as allowed under the dissolution law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pinole does hereby authorize the City Manager to enter into a contract with TRI Commercial in the amount not to exceed 6% of the sales price to provide commercial real estate broker services for the sale of several former redevelopment and housing assets.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pinole held on the 2nd day of July 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 2nd day of July, 2019.

Heather Iopu, CMC
City Clerk

CONSULTING SERVICES AGREEMENT

This Agreement is made and entered into this 2nd day of July, 2019, by and between the **CITY OF PINOLE**, a municipal corporation (hereinafter referred to as "CITY"), located at 2131 Pear Street, Pinole, CA 94564-1774; and TRI Commercial, a corporation, located at 1777 Oakland Blvd, Walnut Creek, CA 94596 (hereinafter referred to as "CONSULTANT").

1. SCOPE OF SERVICES

(See attached EXHIBIT "A")

2. RESPONSIBLE PERSONNEL AND DIRECTION

TRI Commercial Real Estate Services (Marilyn Hansen DRE Lic.# 00861710 & Edward F. Del Beccaro DRE Lic.# 00642167) and Steve Duran Lic.# 00513232 will be charged with the completion of CONSULTANT'S responsibilities under this Agreement. CONSULTANT shall report to and receive direction from the City Manager and/or designee.

3. COMPENSATION

CONSULTANT agrees to perform the Scope of Services delineated herein, and CITY agrees to make payments for work completed under the following terms:

1. **Fees and Invoices.** CONSULTANT commission for all services shall not exceed 6% of the sale price of the properties. CONSULTANT will bill for services at the close of escrow.
2. **Reimbursable Costs.** CITY agrees to pay only those reasonable reimbursable costs included in the scope of services in conjunction with this Agreement, without additional mark-up. CONSULTANT shall submit copies of receipts for reimbursement. CITY has sole discretion to determine which costs are reimbursable.
3. **Early Termination.** If CITY terminates this Agreement pursuant to Section 17 of this Agreement, CITY shall compensate CONSULTANT for work satisfactorily completed as of the date of written notice of termination and within 30 days of CITY'S receipt of CONSULTANT invoices in a form satisfactory to CITY.

If CITY terminates this Agreement pursuant to Section 17 of this Agreement, CITY shall compensate CONSULTANT a commission, as determined by the City, for any sale and or lease transaction secured by CONSULTANT whereby there is an outstanding lease or sale contract, letter of intent to purchase or lease or sale escrow that closes within twelve (12) months of said termination. CONSULTANT shall submit a registration list of potential tenants and or purchasers

who CONSULTANT has secured within five (5) business days of the CITY's notice of termination. CONSULTANT shall assist the CITY to close and or facilitate the closing of any transaction for which CONSULTANT seeks a commission.

4. TERM OF AGREEMENT

Unless otherwise agreed to in writing, the term of this Agreement shall be from July 2, 2019 through June 30, 2020, unless terminated earlier. The contract may be renewed at the sole discretion of the City Manager for additional terms upon satisfactory performance by the broker/firm and at a negotiated rate agreed to in writing by both the broker/firm and the City of Pinole.

5. BUSINESS LICENSE

CONSULTANT shall obtain a City of Pinole business license according to the terms of Title 5 of the City of Pinole Municipal Code and deliver to CITY proof of such business license prior to beginning work under this Agreement. Work under this Agreement cannot begin until CITY receives proof that CONSULTANT has obtained a City of Pinole business license. If the CONSULTANT does not show satisfactory proof of having obtained a business license from CITY, CITY may deduct the business license fee from CONSULTANT'S invoice and issue a business license to CONSULTANT.

6. AMENDMENT

This Agreement may be amended, modified or changed by the parties in writing and approved by the authorized representatives of the parties.

9. OWNER OF DOCUMENT/PROPRIETARY INTEREST

It is agreed that CITY has a proprietary interest in all material prepared by CONSULTANT under this Agreement, with the exception of promotional materials, and may retain, alter or use as it sees fit all portions of the material prepared for the completion of the project. City shall defend and hold CONSULTANT harmless for all claims, losses and damages related to CITY'S use of the material on any other project.

8. SUBCONTRACTORS

CONSULTANT may utilize professional subcontractors only as approved by CITY.

9. ADDITIONAL SERVICES

In the event CITY desires to retain CONSULTANT for the performance of additional services in connection with this Agreement, specification of such additional services and compensation therefore shall be made only by amendment to this Agreement in accordance with compensation rates to be negotiated at that time.

10. INDEPENDENT CONTRACTOR

It is specifically understood and agreed that in the making and performance of this contract, CONSULTANT is an independent contractor and is not and shall not be an employee, agent, or servant of CITY.

11. NONDISCRIMINATION

There shall be no discrimination against any employee who is employed in the work covered by this contract, or against any applicant for such employment because of age, race, religion, sex or national origin.

12. CONSULTANT CONFLICT OF INTEREST

CONSULTANT will comply with all conflict of interest laws and regulations including, without limitation, CITY'S Conflict of Interest Code (on file in the City Clerk's Office). It is incumbent upon CONSULTANT or CONSULTANT'S firm to notify CITY of any staff changes relating to this Agreement.

A. In accomplishing the scope of services of this Agreement, all officers, employees and/or agents of CONSULTANT(S), unless as indicated in Subsection B., will be performing a very limited and closely supervised function, and, therefore, are unlikely to have a conflict of interest arise. No disclosures are required for any officers, employees, and/or agents of CONSULTANT, except as indicated in Subsection B.

Initialed by City Attorney's Office

B. In accomplishing the scope of services of this Agreement, CONSULTANT(S) will be performing a specialized or general service for CITY, and there is substantial likelihood that CONSULTANT'S work product will be presented, either written or orally, for the purpose of influencing a governmental decision. As a result, the following CONSULTANT(S) shall be subject to the Disclosure Categories "1-5" of CITY'S Conflict of Interest Code:

13. ASSIGNMENT

CONSULTANT shall not assign any interest in this contract, and shall not transfer any interest in the same without the prior written consent of CITY.

14. AGREEMENT BINDING

This Agreement is binding on the heirs, successors and assigns of the parties hereto.

15. APPLICABLE LAW AND ATTORNEY'S FEES

This Agreement shall be construed and enforced in accordance with the laws of the State of California. Should any legal action be brought by a party for breach of this Agreement or to enforce any provisions of this Agreement, the prevailing party in such action shall be entitled to reasonable attorney's fees, court costs or any other costs as may be fixed by the court. Any action arising out of this Agreement shall be venued in the Superior Court of the State of California in and for the County of Contra Costa.

16. SEVERABILITY

If any one of more of the covenants and agreements or portions thereof shall be held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such covenant, or covenants, such agreement or agreements, or such portions thereof shall be null and void and shall be deemed severable from the remaining covenants and agreements or portions thereof, and shall in no way affect the validity or enforceability of the remaining portions of this Agreement.

17. TERMINATION

- A. CITY may terminate this Agreement at any time, without cause, by giving CONSULTANT two (2) weeks' (i.e., 14 days) written notice of discontinuance and termination of this Agreement. CONSULTANT shall not be entitled to compensation rendered up to the written notice of termination of this Agreement if none of the properties have sold.
- B. CITY may, at any time, at its discretion, abandon or suspend any portion of the work being done under the terms of this Agreement. In the event of abandonment or suspension of work for which professional services have been performed under this Agreement by CONSULTANT or in the event of the termination of this Agreement, CONSULTANT shall immediately stop work on the project required by

this Agreement, or shall stop work at the stage directed by CITY.

18. INSURANCE AND INDEMNIFICATION

- A. **Insurance Requirements.** Before beginning any work under this Agreement, CONSULTANT, at its own cost and expense, unless otherwise specified below, shall procure the types and amounts of insurance listed below against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by CONSULTANT and its agents, representatives, employees, and subcontractors. CONSULTANT shall maintain the insurance policies required by this section throughout the term of this Agreement. CONSULTANT shall furnish CITY with complete copies of all insurance policies prior to execution of this Agreement and upon CITY'S request.
- B. **Workers' Compensation.** CONSULTANT shall, at its sole cost and expense, maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by CONSULTANT. The Statutory Workers' Compensation Insurance and Employer's Liability Insurance shall be provided with limits of not less than ONE MILLION DOLLARS (\$1,000,000.00) per accident. In the alternative, CONSULTANT may rely on a self-insurance program to meet those requirements, but only if the program of self-insurance complies fully with the provisions of the California Labor Code.
- C. **Commercial General and Automobile Liability Insurance.**
1. **General Requirements.** CONSULTANT, at its own cost and expense, shall maintain commercial general and automobile liability insurance for the term of this Agreement in an amount not less than ONE MILLION DOLLARS (\$1,000,000.00) per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles.
 2. **Minimum Scope of Coverage.** Commercial general coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 or GL 0002 (most recent editions) covering comprehensive General Liability and Insurance Services Office form number GL 0404

covering Broad Form Comprehensive General Liability. Automobile coverage shall be at least as broad as Insurance Services Office Automobile Liability form CA 0001 (most recent edition) Code 1. No endorsement shall be attached limiting the coverage.

- D. **Professional Liability Insurance (Required for all licensed consultants).** CONSULTANT, at its own cost and expense, shall maintain for the period covered by this Agreement professional liability insurance for licensed professionals performing work pursuant to this Agreement in an amount not less than ONE MILLION DOLLARS (\$1,000,000) covering the licensed professionals' errors and omissions. Any deductible or self-insured retention shall not exceed \$250,000 per claim.
- E. **Additional Requirements.** Each of the following shall be included in the insurance coverage or added as a certified endorsement to the policy:
1. Other than Professional Liability, the insurance shall cover on an occurrence or an accident basis, and not on a claims-made basis.
 2. Any failure of CONSULTANT to comply with reporting provisions of the policy shall not affect coverage provided to CITY and its officers, employees, agents, and volunteers.
- F. **Notice of Reduction in or Cancellation of Coverage.** Coverage shall not be canceled by either party except after thirty (30) days' prior written notice has been given to CITY; ten (10) days if cancellation is due to non-payment of premium.
- G. **Additional Insured; Primary Insurance.** A certified endorsement at least as broad as Insurance Services Office form number CG 20 10 (11/85 ed.) shall be attached to all policies stating that CITY and its officers, employees, agents, and volunteers shall be covered as additional insureds. A certified endorsement shall be attached to all policies stating that coverage is primary insurance with respect to CITY and its officers, officials, employees and volunteers, and that no insurance or self-insurance maintained by CITY shall be called upon to contribute to a loss under the coverage.
- H. **Variation.** CITY, through its City Attorney, may approve a variation in the foregoing insurance requirements, upon a determination that the coverage, scope, limits, and forms of such insurance are either not commercially available, or that CITY'S interests are otherwise fully protected.

I. Indemnification.

CONSULTANT shall, to the fullest extent allowed by law, with respect to all services performed in connection with this Agreement, defend with counsel acceptable to CITY, indemnify, and hold CITY, its officers, employees, agents, and volunteers, harmless from and against any and all claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of CONSULTANT, ("Claims"). CONSULTANT will bear all losses, costs, damages, expense and liability of every kind, nature and description that arise out of, pertain to, or relate to such Claims, whether directly or indirectly ("Liability"). Such obligations to defend, hold harmless and indemnify CITY shall not apply to the extent that such Liability is caused by the sole negligence, active negligence, or willful misconduct of CITY.

With respect to third party claims against CONSULTANT, CONSULTANT waives any and all rights of any type of express or implied indemnity against the Indemnitees.

However, notwithstanding the foregoing, in accordance with California Civil Code Section 1668, nothing in this Agreement shall be construed to exempt CITY from its own fraud, willful injury to the person or property of another, or violation of law. In addition, and notwithstanding the foregoing, to the extent this Agreement is a "construction contract" as defined by California Civil Code section 2783, as may be amended from time to time, such duties of CONSULTANT to indemnify shall not apply when to do so would be prohibited by California Civil Code Section 2782.

19. NOTICES

All correspondences shall be sent by first-class mail and directed to the party at the addresses specified below, or to a substitute address as a party may designate by written notice to the other party:

CONSULTANT:

Marilyn Hansen, Senior Director of Retail and Investment
1777 Oakland Blvd,
Walnut Creek, CA 94596

CITY:

City of Pinole
2131 Pear Street
Pinole, CA 94564
Attention: Hector De La Rosa

with a copy to:

City Attorney
2131 Pear Street
Pinole, CA 94564

20. MISCELLANEOUS PROVISIONS

- A. Neither party shall hold the other responsible for damages or delay in performance caused by acts of God, strikes, lockouts, accidents or other events or conditions beyond the party's control.
- B. In the event any provisions of this agreement shall be held to be invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provisions, term, condition, or covenant shall not be construed by the other party as a waiver of a subsequent breach of the same by the other party.
- C. This agreement constitutes the entire agreement between the parties and there are no conditions, agreements or representations between the parties except as expressed in said document. It is not the intent of the parties to this agreement to form a partnership or joint venture.
- D. Where the terms and conditions of this Agreement and any attachments or exhibits hereto conflict, the parties expressly agree that the terms and conditions of this Agreement shall prevail and preside.
- E. The Consultant and any subcontractors shall obtain and maintain during the term of this Agreement valid Business Licenses from the City of Pinole.
- F. Preparation and negotiation of this Agreement has been a joint effort of the parties and neither the Agreement nor any of its provisions shall be construed against either of the parties as the drafting party or otherwise
- G. Consultant shall comply with all applicable laws, statutes, City of Pinole ordinances, resolutions, policies and procedures in force and effect on the date this Agreement is executed by the City, including, but not limited to the California Environmental Quality Act and all relevant provisions of the Public Resources Code, the California Public Contract Code, the California Labor Code and the California Government Code.

21. ATTACHMENTS

Exhibit A - SCOPE OF SERVICES

IN WITNESS WHEREOF, CITY AND CONSULTANT have caused their authorized representatives to execute this Agreement.

CITY OF PINOLE

CONSULTANT

By: _____
Michelle Fitzer, City Manager

By: _____

Consultant's City of Pinole Business
License #:

ATTEST:

By: _____

By: _____
Heather Iopu, City Clerk

By: _____

APPROVED AS TO FORM:

Date: _____

By: _____
Eric Casher, City Attorney

Date: _____



SCOPE OF SERVICES

The Team of TRI Commercial is prepared to provide the following:

- a. Perform a full market analysis including Bay Area trends
- b. Provide advice regarding building and property valuation, including suitability for lease to purchase.
- c. Provide the City Manager and/or Assistant City Manager with monthly activity reports
- d. Provide Broker's Opinions of Value and Highest and Best Use for all designated properties
- e. Develop and provide Marketing materials and develop strategies for all designated properties listed.
- f. Extensively market all listed properties
- g. Review development/purchase/lease to purchase, pro-forma, and other financial related proposals and make recommendations to City on best use/option of properties
- h. Work with City Administration to negotiate the sale or other disposition of the properties.
- i. Coordinate real estate appraisals and other aspects of managing the disposition process.
- j. Make presentations to the City Council at a public meeting as requested by the City.
- k. Coordinate real estate transaction closings.
- l. Handle all other customary activities and services associated with real estate transactions.

Services will include consultation with City staff relating to reporting efforts/strategies to market real estate.



CITY COUNCIL REPORT

7D

DATE: JULY 2, 2019

TO: MAYOR AND COUNCIL MEMBERS

FROM: ROXANE STONE, MANAGEMENT ANALYST

**SUBJECT: CONSIDER A LETTER OF SUPPORT FOR ACA 1, LOCAL
GOVERNMENT FINANCING: AFFORDABLE HOUSING AND
PUBLIC INFRASTRUCTURE**

RECOMMENDATION

It is recommended that the City Council review a draft letter of support for ACA 1, Local Government Financing: Affordable Housing and Public Infrastructure and provide direction to staff or authorization for the Mayor to sign it.

BACKGROUND

The following background was provided by the League of California Cities:

From 2001 to 2013, over 2,200 local revenue measures have been placed before voters concerning school, city, county, or special district taxes or bonds. Majority vote tax measures have proven to be much more likely to pass, while just half of two-thirds vote measures succeeded. School bonds with a 55 percent voter threshold have been the most successful, with four out of every five passing. In contrast, just half of two-thirds vote measures succeeded. A 55 percent voter threshold for special taxes would have made a dramatic difference.

The California Constitution limits the opportunity for communities to decide to tax themselves to provide funding for local projects that meet goals and laws approved by the majority. One-third of local voters have the power to overrule fiscal decisions.

ACA 1 will lower the constitutional vote threshold to 55 percent for both General Obligation (GO) bonds and special taxes, when proposed specifically for the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or supportive housing. The bill will also specify requirements for voter protection, public notice, and financial accountability. In practice, local officials propose a local bond or special tax, and then the voters in that community decide whether they support the idea or not. The voters would still need to overwhelmingly

(with 55 percent of the vote) support a bond or special tax in order for it to be approved. ACA 1 will level the playing field and create parity between school districts and cities, counties, and special districts, so that all local governments have a viable financing tool to address community needs.

REVIEW & ANALYSIS

When the State seeks voter approval for a statewide measure – such as past voter approvals of measures to extend the income tax or the recently approved housing bond – it requires a simple majority, but when a city or county seeks voter approval for a similar investment they face a stringent two-thirds vote threshold. However, the law is different for school construction, and the States’s voters agreed and passed Proposition 39, which lowered the two-thirds threshold for investments in school construction to 55 percent. Cities, including Pinole need similar flexibility when seeking voter approval for investments in public infrastructure and affordable housing.

FISCAL IMPACT

This proposed legislation could have a positive fiscal impact. Future qualifying ballot measures would have a more achievable voter threshold and thereby allow Pinole to increase funding more successfully.

ATTACHMENT(S):

ATTACHMENT A: Draft Letter of Support for ACA 1
ATTACHMENT B: ACA 1 Text



CITY OF PINOLE

CITY HALL

2131 Pear Street
Pinole, CA 94564

Phone: (510) 724-9000
FAX: (510) 724-9826

July 2, 2019

The Honorable Cecilia Aguiar-Curry
California State Assembly
State Capitol Building, Room 5144
Sacramento, CA 95814

RE: **ACA 1 (Aguiar-Curry). Local government financing: Affordable housing and public infrastructure: voter approval.**
Notice of SUPPORT

Dear Assembly Member Aguiar-Curry,

The City of Pinole is pleased to support your bill, ACA 1, which would lower the voter threshold requirements for special taxes by a local government for the purpose of providing funding for affordable housing and public infrastructure projects from 2/3rds approval to 55% approval.

As you know, local governments have widespread and urgent infrastructure needs and the high cost of housing in the state is well-documented. Local communities need additional flexibility to promote the development of affordable housing close to jobs and to continue to provide critical infrastructure for a better quality of life.

ACA 1 provides the voters an opportunity to consider treating investments in local infrastructure and affordable housing in a similar manner as schools. California voters have demonstrated through their past approval of major state school, housing, and water bonds, that they understand the importance of investing in their future.

Thank you for your leadership and let's pass ACA 1 to provide voters with an opportunity to weigh in on local investments on infrastructure and affordable housing – issues that are so critical to the state's future, prosperity and quality of life.

For these reasons, the City of Pinole supports ACA 1 (Aguiar-Curry).

Sincerely,

Peter Murray
Mayor
City of Pinole

cc: Senator Nancy Skinner
Assembly Member Buffy Wicks
Sam Caygill, League of California Cities Eastbay Regional Public Affairs Manager,
scaygill@cacities.org
Meg Desmond, League of California Cities, cityletters@cacities.org

AMENDED IN ASSEMBLY MARCH 18, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

Assembly Constitutional Amendment

No. 1

Introduced by Assembly Member Aguiar-Curry

(Principal coauthor: Assembly Member Chiu)

(Principal coauthor: Senator Wiener)

(Coauthors: Assembly Members ~~Chiu~~, Berman, Bloom, Bonta, Burke, Cooper, Eggman, Frazier, Eduardo Garcia, Gipson, Gloria, Gonzalez, Grayson, Holden, Jones-Sawyer, Kalra, Levine, Low, McCarty, Mullin, Nazarian, Quirk, Luz Rivas, Robert Rivas, Blanca Rubio, Santiago, and Ting Mark Stone, Ting, Weber, Wicks, Wood, and Chu)

(Coauthors: Senators Beall, Hill, and Skinner)

December 3, 2018

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1 and 4 of Article XIII A thereof, by amending Section 2 of, and by adding Section 2.5 to, Article XIII C thereof, by amending Section 3 of Article XIII D thereof, and by amending Section 18 of Article XVI thereof, relating to local finance.

LEGISLATIVE COUNSEL’S DIGEST

ACA 1, as amended, Aguiar-Curry. Local government financing: affordable housing and public infrastructure: voter approval.

(1) The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions.

This measure would create an additional exception to the 1% limit that would authorize a city, county, ~~or city and county~~ *city and county*,

or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public ~~infrastructure or infrastructure~~, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements. *The measure would specify that these provisions apply to any city, county, city and county, or special district measure imposing an ad valorem tax to pay the interest and redemption charges on bonded indebtedness for these purposes that is submitted at the same election as this measure.*

(2) The California Constitution conditions the imposition of a special tax by a local government upon the approval of $\frac{2}{3}$ of the voters of the local government voting on that tax, and prohibits these entities from imposing an ad valorem tax on real property or a transactions or sales tax on the sale of real property.

This measure would authorize a local government to impose, extend, or increase a sales and use tax or transactions and use tax imposed in accordance with specified law or a parcel tax, as defined, for the purposes of funding the construction, rehabilitation, or replacement of public ~~infrastructure or infrastructure~~, affordable housing, or permanent supportive housing if the proposition proposing that tax is approved by 55% of its voters voting on the proposition and the proposition includes specified accountability requirements. This measure would also make conforming changes to related provisions. *The measure would specify that these provisions apply to any local measure imposing, extending, or increasing a sales and use tax, transactions and use tax, or parcel tax for these purposes that is submitted at the same election as this measure.*

(3) The California Constitution prohibits specified local government agencies from incurring any indebtedness exceeding in any year the income and revenue provided in that year, without the assent of $\frac{2}{3}$ of the voters and subject to other conditions. In the case of a school district, community college district, or county office of education, the California Constitution permits a proposition for the incurrence of indebtedness in the form of general obligation bonds for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, to be adopted

upon the approval of 55% of the voters of the district or county, as appropriate, voting on the proposition at an election.

This measure would *expressly prohibit a special district, other than a board of education or school district, from incurring any indebtedness or liability exceeding any applicable statutory limit, as prescribed by the statutes governing the special district. The measure would also similarly lower to 55% the voter approval threshold for a require the approval of 55% of the voters of the city, county, or city and county city and county, or special district, as applicable, to incur bonded indebtedness, exceeding in any year the income and revenue provided in that year, that is in the form of general obligation bonds issued to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or infrastructure, affordable housing housing, or permanent supportive housing projects, if the proposition proposing that bond includes specified accountability requirements. The measure would specify that this 55% threshold applies to any proposition for the incurrence of indebtedness by a city, county, city and county, or special district for these purposes that is submitted at the same election as this measure.*

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

- 1 *Resolved by the Assembly, the Senate concurring,* That the
- 2 Legislature of the State of California at its ~~2017-18~~ 2019-20
- 3 Regular Session commencing on the ~~fifth~~ *third* day of December
- 4 ~~2016~~, 2018, two-thirds of the membership of each house
- 5 concurring, hereby proposes to the people of the State of California,
- 6 that the Constitution of the State be amended as follows:
- 7 First—That Section 1 of Article XIII A thereof is amended to
- 8 read:
- 9 SECTION 1. (a) The maximum amount of any ad valorem
- 10 tax on real property shall not exceed 1 percent of the full cash
- 11 value of that property. The 1 percent tax shall be collected by the
- 12 counties and apportioned according to law to the districts within
- 13 the counties.
- 14 (b) The limitation provided for in subdivision (a) shall not apply
- 15 to ad valorem taxes or special assessments to pay the interest and
- 16 redemption charges on any of the following:
- 17 (1) Indebtedness approved by the voters before July 1, 1978.

(2) Bonded indebtedness to fund the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by the voters voting on the proposition.

(3) Bonded indebtedness incurred by a school district, community college district, or county office of education for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, approved by 55 percent of the voters of the district or county, as appropriate, voting on the proposition on or after November 8, 2000. This paragraph shall apply only if the proposition approved by the voters and resulting in the bonded indebtedness includes all of the following accountability requirements:

(A) A requirement that the proceeds from the sale of the bonds be used only for the purposes specified in this paragraph, and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

(B) A list of the specific school facilities projects to be funded and certification that the school district board, community college board, or county office of education has evaluated safety, class size reduction, and information technology needs in developing that list.

(C) A requirement that the school district board, community college board, or county office of education conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.

(D) A requirement that the school district board, community college board, or county office of education conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.

(4) (A) Bonded indebtedness incurred by a city, county, ~~or city and county~~ *city and county, or special district* for the construction, reconstruction, rehabilitation, or replacement of public ~~infrastructure or infrastructure~~, affordable housing, *or permanent supportive housing for persons at risk of chronic homelessness, including persons with mental illness*, or the acquisition or lease of real property for public ~~infrastructure or infrastructure~~, affordable housing, *or permanent supportive housing for persons*

1 *at risk of chronic homelessness, including persons with mental*
2 *illness, approved by 55 percent of the voters of the city, county,*
3 *~~or city and county~~ city and county, or special district,* as
4 appropriate, voting on the proposition on or after the effective date
5 of the measure adding this paragraph. This paragraph shall apply
6 only if the proposition approved by the voters and resulting in the
7 bonded indebtedness includes all of the following accountability
8 requirements:

9 (i) A requirement that the proceeds from the sale of the bonds
10 be used only for the purposes specified in this paragraph, and not
11 for any other purpose, including city, county, *~~or city and county~~*
12 *city and county, or special district* employee salaries and other
13 operating expenses.

14 (ii) A list of the specific projects to be funded, and a certification
15 that the city, county, *~~or city and county~~ city and county, or special*
16 *district* has evaluated alternative funding sources.

17 (iii) A requirement that the city, county, *~~or city and county~~ city*
18 *and county, or special district* conduct an annual, independent
19 performance audit to ensure that the funds have been expended
20 only on the specific projects listed.

21 (iv) A requirement that the city, county, *~~or city and county~~ city*
22 *and county, or special district* conduct an annual, independent
23 financial audit of the proceeds from the sale of the bonds until all
24 of those proceeds have been expended for the public infrastructure
25 or affordable housing projects, as applicable.

26 (v) A requirement that the city, county, *~~or city and county~~ city*
27 *and county, or special district* post the audits required by clauses
28 (iii) and (iv) in a manner that is easily accessible to the public.

29 (vi) A requirement that the city, county, *~~or city and county~~ city*
30 *and county, or special district* appoint a citizens' oversight
31 committee to ensure that bond proceeds are expended only for the
32 purposes described in the measure approved by the voters.

33 (B) For purposes of this paragraph, *“affordable paragraph:*

34 (i) *“Affordable housing”* shall include housing developments,
35 or portions of housing developments, that provide workforce
36 housing affordable to households earning up to 150 percent of
37 countywide median income, and housing developments, or portions
38 of housing developments, that provide housing affordable to lower,
39 low-, or very low income households, as those terms are defined
40 in state law.

(ii) “At risk of chronic homelessness” includes, but is not limited to, persons who are at high risk of long-term or intermittent homelessness, including persons with mental illness exiting institutionalized settings, including, but not limited to, jail and mental health facilities, who were homeless prior to admission, transition age youth experiencing homelessness or with significant barriers to housing stability, and others, as defined in program guidelines.

(iii) “Permanent supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. “Permanent supportive housing” includes associated facilities, if those facilities are used to provide services to housing residents.

~~(C) For purposes of this paragraph, “public~~

(iv) “Public infrastructure” shall include, but is not limited to, projects that provide any of the following:

(i)

(I) Water or protect water quality.

(ii)

(II) Sanitary sewer.

(iii)

(III) Treatment of wastewater or reduction of pollution from stormwater runoff.

(iv)

(IV) Protection of property from impacts of sea level rise.

~~(v) Parks.~~

(V) Parks and recreation facilities.

~~(vi)~~

(VI) Open space and recreation facilities: space.

(vii)

(VII) Improvements to transit and streets and highways.

~~(viii)~~

(VIII) Flood control.

~~(ix)~~

(IX) Broadband-Internet internet access service expansion in underserved areas.

~~(x)~~

1 (X) Local hospital construction.

2 (XI) *Public safety buildings or facilities, equipment related to*
3 *fire suppression, emergency response equipment, or interoperable*
4 *communications equipment for direct and exclusive use by fire,*
5 *emergency response, police or sheriff personnel.*

6 (XII) *Public library facilities.*

7 (v) *“Special district” has the same meaning as provided in*
8 *subdivision (c) of Section 1 of Article XIII C and specifically*
9 *includes a transit district, except that “special district” does not*
10 *include a school district, redevelopment agency, or successor*
11 *agency to a dissolved redevelopment agency.*

12 (C) *This paragraph shall apply to any city, county, city and*
13 *county, or special district measure imposing an ad valorem tax to*
14 *pay the interest and redemption charges on bonded indebtedness*
15 *for those purposes described in this paragraph that is submitted*
16 *at the same election as the measure adding this paragraph.*

17 (c) (1) Notwithstanding any other provisions of law or of this
18 Constitution, a school district, community college district, or
19 county office of education may levy a ~~55-percent~~ 55-percent vote
20 ad valorem tax pursuant to paragraph (3) of subdivision (b).

21 (2) Notwithstanding any other provisions of law or this
22 Constitution, a city, county, ~~or city and county~~ city and county, or
23 special district may levy a ~~55-percent~~ 55-percent vote ad valorem
24 tax pursuant to paragraph (4) of subdivision (b).

25 ~~Second—That Section 4 of Article XIII A thereof is amended~~
26 ~~to read:~~

27 ~~SEC. 4. Except as provided by Section 2.5 of Article XIII C,~~
28 ~~a city, county, or special district, by a two-thirds vote of its voters~~
29 ~~voting on the proposition, may impose a special tax within that~~
30 ~~city, county, or special district, except an ad valorem tax on real~~
31 ~~property or a transactions tax or sales tax on the sale of real~~
32 ~~property within that city, county, or special district.~~

33 ~~Second—That Section 4 of Article XIII A thereof is amended to~~
34 ~~read:~~

35 ~~Section 4.~~

36 ~~SEC. 4. Cities, Counties and special districts, Except as~~
37 ~~provided by Section 2.5 of Article XIII C, a city, county, or special~~
38 ~~district, by a two-thirds vote of the qualified electors of such~~
39 ~~district, its voters voting on the proposition, may impose special~~
40 ~~taxes on such district, a special tax within that city, county, or~~

1 *special district*, except *an ad valorem-taxes tax* on real property
2 or a ~~transaction~~ *transactions* tax or sales tax on the sale of real
3 property within ~~such City, County~~ *that city, county*, or special
4 district.

5 Third—That Section 2 of Article XIII C thereof is amended to
6 read:

7 SEC. 2. Notwithstanding any other provision of this
8 Constitution:

9 (a) Any tax imposed by a local government is either a general
10 tax or a special tax. A special district or agency, including a school
11 district, has no authority to levy a general tax.

12 (b) A local government may not impose, extend, or increase
13 any general tax unless and until that tax is submitted to the
14 electorate and approved by a majority vote. A general tax is not
15 deemed to have been increased if it is imposed at a rate not higher
16 than the maximum rate so approved. The election required by this
17 subdivision shall be consolidated with a regularly scheduled general
18 election for members of the governing body of the local
19 government, except in cases of emergency declared by a unanimous
20 vote of the governing body.

21 (c) Any general tax imposed, extended, or increased, without
22 voter approval, by any local government on or after January 1,
23 1995, and before the effective date of this article, may continue to
24 be imposed only if that general tax is approved by a majority vote
25 of the voters voting in an election on the issue of the imposition,
26 which election shall be held no later than November 6, 1996, and
27 in compliance with subdivision (b).

28 (d) Except as provided by Section 2.5, a local government may
29 not impose, extend, or increase any special tax unless and until
30 that tax is submitted to the electorate and approved by a two-thirds
31 vote. A special tax is not deemed to have been increased if it is
32 imposed at a rate not higher than the maximum rate so approved.

33 Fourth—That Section 2.5 is added to Article XIII C thereof, to
34 read:

35 SEC. 2.5. (a) The imposition, extension, or increase of a sales
36 and use tax imposed in accordance with the Bradley-Burns Uniform
37 Local Sales and Use Tax Law (Part 1.5 (commencing with Section
38 7200) of Division 2 of the Revenue and Taxation Code) or a
39 successor law, a transactions and use tax imposed in accordance
40 with the Transactions and Use Tax Law (Part 1.6 (commencing

with Section 7251) of Division 2 of the Revenue and Taxation Code) or a successor law, or a parcel tax imposed by a local government for the purpose of funding the construction, reconstruction, rehabilitation, or replacement of public ~~infrastructure or infrastructure~~, affordable housing, *or permanent supportive housing for persons at risk of chronic homelessness, including persons with mental illness*, or the acquisition or lease of real property for public ~~infrastructure or infrastructure~~, affordable housing, *or permanent supportive housing for persons at risk of chronic homelessness, including persons with mental illness*, is subject to approval by 55 percent of the voters in the local government voting on the proposition, if both of the following conditions are met:

(1) The proposition is approved by a majority vote of the membership of the governing board of the local government.

(2) The proposition contains all of the following accountability requirements:

(A) A requirement that the proceeds of the tax only be used for the purposes specified in the proposition, and not for any other purpose, including general employee salaries and other operating expenses of the local government.

(B) A list of the specific projects that are to be funded by the tax, and a certification that the local government has evaluated alternative funding sources.

(C) A requirement that the local government conduct an annual, independent performance audit to ensure that the proceeds of the special tax have been expended only on the specific projects listed in the proposition.

(D) A requirement that the local government conduct an annual, independent financial audit of the proceeds from the tax during the lifetime of that tax.

(E) A requirement that the local government post the audits required by subparagraphs (C) and (D) in a manner that is easily accessible to the public.

(F) A requirement that the local government appoint a citizens' oversight committee to ensure the proceeds of the special tax are expended only for the purposes described in the measure approved by the voters.

(b) For purposes of this section, the following terms have the following meanings:

(1) “Affordable housing” shall include housing developments, or portions of housing developments, that provide workforce housing affordable to households earning up to 150 percent of countywide median income, and housing developments, or portions of housing developments, that provide housing affordable to lower, low-, or very low income households, as those terms are defined in state law.

(2) *“At risk of chronic homelessness” includes, but is not limited to, persons who are at high risk of long-term or intermittent homelessness, including persons with mental illness exiting institutionalized settings, including, but not limited to, jail and mental health facilities, who were homeless prior to admission, transition age youth experiencing homelessness or with significant barriers to housing stability, and others, as defined in program guidelines.*

~~(2)~~

(3) “Parcel tax” means a special tax imposed upon a parcel of real property at a rate that is determined without regard to that property’s value and that applies uniformly to all taxpayers or all real property within the jurisdiction of the local government. “Parcel tax” does not include a tax imposed on a particular class of property or taxpayers.

(4) *“Permanent supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. “Permanent supportive housing” includes associated facilities, if those facilities are used to provide services to housing residents.*

~~(3)~~

(5) “Public infrastructure” shall include, but is not limited to, the projects that provide any of the following:

(A) Water or protect water quality.

(B) Sanitary sewer.

(C) Treatment of wastewater or reduction of pollution from stormwater runoff.

(D) Protection of property from impacts of sea level rise.

~~(E) Parks.~~

(E) *Parks and recreation facilities.*

(F) ~~Open-space and recreation facilities.~~ *space.*

(G) Improvements to transit and streets and highways.

(H) Flood control.

(I) ~~Broadband-Internet~~ *internet* access service expansion in underserved areas.

(J) Local hospital construction.

(K) *Public safety buildings or facilities, equipment related to fire suppression, emergency response equipment, or interoperable communications equipment for direct and exclusive use by fire, emergency response, policy or sheriff personnel.*

(L) *Public library facilities.*

(c) This section shall apply to any local measure imposing, extending, or increasing a sales and use tax imposed pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law, a transactions and use tax imposed in accordance with the Transactions and Use Tax Law, or a parcel tax imposed by a local government for those purposes described in subdivision (a) that is submitted at the same election as the measure adding this section.

Fifth—That Section 3 of Article XIII D thereof is amended to read:

SEC. 3. (a) An agency shall not assess a tax, assessment, fee, or charge upon any parcel of property or upon any person as an incident of property ownership except:

(1) The ad valorem property tax imposed pursuant to Article XIII and Article XIII A.

(2) Any special tax receiving a two-thirds vote pursuant to Section 4 of Article XIII A or *receiving a 55-percent approval pursuant to Section 2.5 of Article XIII C.*

(3) Assessments as provided by this article.

(4) Fees or charges for property-related services as provided by this article.

(b) For purposes of this article, fees for the provision of electrical or gas service are not deemed charges or fees imposed as an incident of property ownership.

Sixth—That Section 18 of Article XVI thereof is amended to read:

SEC. 18. (a) A county, city, town, township, board of education, or school district, shall not incur any indebtedness or liability in any manner or for any purpose exceeding in any year

1 the income and revenue provided for that year, without the assent
2 of two-thirds of the voters of the public entity voting at an election
3 to be held for that purpose, except that with respect to any such
4 public entity ~~which~~ *that* is authorized to incur indebtedness for
5 public school purposes, any proposition for the incurrence of
6 indebtedness in the form of general obligation bonds for the
7 purpose of repairing, ~~reconstructing~~ *reconstructing*, or replacing
8 public school buildings determined, in the manner prescribed by
9 law, to be structurally unsafe for school use, shall be adopted upon
10 the approval of a majority of the voters of the public entity voting
11 on the proposition at ~~such~~ *the* election; nor unless before or at the
12 time of incurring such indebtedness provision shall be made for
13 the collection of an annual tax sufficient to pay the interest on such
14 indebtedness as it falls due, and to provide for a sinking fund for
15 the payment of the principal thereof, on or before maturity, which
16 shall not exceed forty years from the time of contracting the
17 indebtedness. *A special district, other than a board of education
18 or school district, shall not incur any indebtedness or liability
19 exceeding any applicable statutory limit, as prescribed by the
20 statutes governing the special district as they currently read or
21 may thereafter be amended by the Legislature.*

22 (b) (1) Notwithstanding subdivision (a), any proposition for
23 the incurrence of indebtedness in the form of general obligation
24 bonds for the purposes described in paragraph (3) or (4) of
25 subdivision (b) of Section 1 of Article XIII A shall be adopted
26 upon the approval of 55 percent of the voters of the school district,
27 community college district, county office of education, city, county,
28 ~~or city and county~~, *city and county, or other special district*, as
29 appropriate, voting on the proposition at an election. This
30 subdivision shall apply to a proposition for the incurrence of
31 indebtedness in the form of general obligation bonds for the
32 purposes specified in this subdivision only if the proposition meets
33 all of the accountability requirements of paragraph (3) or (4) of
34 subdivision (b), as appropriate, of Section 1 of Article XIII A.

35 (2) *The amendments made to this subdivision by the measure
36 adding this paragraph shall apply to any proposition for the
37 incurrence of indebtedness in the form of general obligation bonds
38 pursuant to this subdivision for the purposes described in
39 paragraph (4) of subdivision (b) of Section 1 of Article XIII A that*

1 *is submitted at the same election as the measure adding this*
2 *paragraph.*

3 (c) When two or more propositions for incurring any
4 indebtedness or liability are submitted at the same election, the
5 votes cast for and against each proposition shall be counted
6 separately, and if two-thirds or a majority or 55 percent of the
7 voters, as the case may be, voting on any one of those propositions,
8 vote in favor thereof, the proposition shall be deemed adopted.

9

10

11 **REVISIONS:**

12

13 **Heading—Line 5.**

13

O



CITY COUNCIL REPORT

7E

DATE: JULY 2, 2019

TO: MAYOR AND COUNCIL MEMBERS

FROM: ROXANE STONE, MANAGEMENT ANALYST

**SUBJECT: CONSIDER A LETTER OF OPPOSITION FOR SB 330 HOUSING
CRISIS ACT OF 2019**

RECOMMENDATION

It is recommended that the City Council review a draft letter of opposition for SB 330 Housing Crisis Act of 2019 and provide direction to staff or authorization for the Mayor to sign it.

BACKGROUND

The following background was provided by the League of California Cities:

SB 330 makes a number of changes to how “affected” cities and counties plan for housing in the next five years. These strategies are intended to prevent these jurisdictions from reducing the allowable amount of housing during this time-period of the housing crisis. This includes that the bill prohibits them, through January 1, 2025, from enacting a development policy, standard, or condition that would:

- Reduce the housing development capacity of a parcel to less than was in effect January 1, 2018, unless there is a concurrent change elsewhere to ensure that there is no net loss in residential capacity;
- Impose or enforce any non-objective design review standards on housing that were established after January 1, 2018;
- Limit the amount of housing or population in any of the following ways, except for specified longstanding limits in predominantly agricultural counties.
- Establishes that within one-quarter mile of major rail stops in larger cities and counties, minimum parking requirements cannot exceed 0.5 space per unit. As such, local jurisdictions could not force developers to “over-park” near mass transit, facilitating more space for housing (and potentially less traffic congestion and greenhouse gas emissions) for developers who choose to provide these reduced amounts.

REVIEW & ANALYSIS

The League of California Cities is requesting that cities submit letters of opposition for SB 330, and provided the following analysis of the bill:

Why should you OPPOSE SB 330?

- **No Parking Requirements** – Regardless of the size of the housing project, SB 330 would strictly prohibit local agencies from imposing any type of parking standard within one-quarter mile of a rail stop. Without parking requirements, congestion and parking conflicts in many communities will significantly increase because people strongly resist giving up their vehicle, especially if public transit is inadequate.
- **Allows Developers To Keep Additional Profits** – SB 330 does not require any of the cost savings associated with banning parking requirements near rail stops or prohibiting project specific fees be passed on to the renter or purchaser of the housing unit. Developers would most likely pocket the savings and enhance their profits, while not producing affordable housing.
- **Freezes Project Development Fees For Up To Three Years** – SB 330 would lock in place nearly all fees imposed on a housing project once a developer submits a “preliminary” application. Developers would have up to three years to begin construction and not be subject to any new fee, even an affordable housing fee. Since we are in a housing crisis, as the title of the bill also declares, why should developers receive a safe harbor from new fees if they refuse to construct city approved housing units?
- **Essentially Bans Project Specific Fees** – SB 330 allows a developer to submit a “preliminary” housing project application, which contains too little information for a city to determine the scope of the project or the type of CEQA document that is needed. Project specific fees cannot be determined until a city fully analyzes the project. Cities would be unable to require a developer to adequately mitigate the impacts of the individual project, pursuant to the Mitigation Fee Act.

According to the Aids Healthcare Foundation, “While we agree that many local governments have not done enough to meet the housing needs of low income Californians, we assert that bills like SB 330 are equally unlikely to positively affect productive housing development for the vast majority of our citizens and will result in a substantial detraction from existing efforts to create more affordable housing. SB 330 retroactively invalidates many local housing reforms, takes away the right of citizens to engage as robustly in public hearings as they can under current law, shields bad actor landlords from code enforcement, and is insufficiently responsive to the affordable housing crisis in our state.”

FISCAL IMPACT

There is no direct fiscal impact of this pending legislation.

ATTACHMENT(S):

ATTACHMENT A: Draft Letter of Opposition for SB 330 (Assembly Member Cecilia Aguiar-Curry)

ATTACHMENT B: Draft Letter of Opposition for SB 330 (Senator Nancy Skinner)

ATTACHMENT C: Draft Letter of Opposition for SB 330 (Senator Scott Wiener)

ATTACHMENT D: SB 330 Text



2131 Pear Street
Pinole, CA 94564

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FAX: (510) 724-9826
www.ci.pinole.ca.us

CITY OF PINOLE

July 2, 2019

The Honorable Cecilia Aguiar-Curry
Chair, Assembly Committee on Local Government
1020 N St., Room 157
Sacramento, CA 95814

RE: SB 330 (Skinner) Housing Crisis Act of 2019
Notice of Opposition *(as amended 6/12/19)*

Dear Assembly Member Aguiar-Curry:

The City of Pinole must respectfully continue to oppose SB 330, even with the amendments taken on June 12, 2019. As amended, this measure would, among other things, declare a statewide housing crisis and for a five-year period, prohibit a city from imposing parking requirements near rail stops, and freeze nearly all project related fees once a developer submits a “preliminary” application.

We agree with the fundamental problem – there are not enough homes being built in California. The City of Pinole remains committed to working with the Legislature and the Governor on finding ways to help spur much needed housing construction statewide without arbitrarily limiting how cities address community growth impacts.

Specifically, the City of Pinole opposes the following provisions in SB 330:

- **No Parking Requirements** – Regardless of the size of the housing project, SB 330 would strictly prohibit local agencies from imposing any type of parking standard within one-quarter mile of a rail stop. Without parking requirements, developers will force new residents to compete for an ever-diminishing supply of parking. This will certainly lead to significant congestion and parking conflicts in many communities because people strongly resist giving up their vehicle, especially if public transit is inadequate.
- **Creates A New Type Of Housing Project Application** – SB 330 allows a developer to submit a “preliminary” housing project application, which contains too little information for a city to determine the scope of the project or the type of CEQA document that is needed. Additionally, once the “preliminary” application is filed, new limits on the number of public hearings and streamline approval timeline begins.

- **Freezes Impact Fees** – This measure would lock in place nearly all fees or exactions imposed on development projects once a developer submits a “preliminary” application. Since the “preliminary” application lacks all of the necessary information to evaluate the project, a city would be unable to determine which fees apply to the project. Additionally, project specific fees would be essentially banned because those fees cannot be determined until a city fully analyzes the project. It is important to note that all project impact fees are extensively regulated by state law and the constitution. Cities can only charge a fee to cover the cost of providing the service for which the fee is applied. It is illegal for cities to charge project fees and use the funds for other purposes.

The City of Pinole strongly questions the effectiveness of prohibiting or limiting parking requirements and restricting essential housing related fees. SB 330 does not require any of the cost savings associated with these limitations to be passed on to the renter or purchaser of the housing unit. Developers would most likely pocket the savings and enhance their profits, while not producing affordable housing.

For the reasons stated above, the City of Pinole opposes SB 330.

Sincerely,

Peter Murray
Mayor
City of Pinole

cc. Senator Nancy Skinner
Assembly Member Buffy Wicks
Sam Caygill, League of California Cities Eastbay Regional Public Affairs Manager,
scaygill@cacities.org
Meg Desmond, League of California Cities, cityletters@cacities.org



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July 2, 2019

The Honorable Nancy Skinner
California State Senator
State Capitol, Room 5094
Sacramento, CA 95814

RE: SB 330 (Skinner) Housing Crisis Act of 2019
Notice of Opposition *(as amended 6/12/19)*

Dear Senator Skinner:

The City of Pinole must respectfully continue to oppose SB 330, even with the amendments taken on June 12, 2019. As amended, this measure would, among other things, declare a statewide housing crisis and for a five-year period, prohibit a city from imposing parking requirements near rail stops, and freeze nearly all project related fees once a developer submits a “preliminary” application.

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July 2, 2019

The Honorable Scott Wiener
Chair, Senate Housing Committee
California State Capitol, Room 5100
Sacramento, CA 95814

RE: SB 330 (Skinner) Housing Crisis Act of 2019
Notice of Opposition *(as amended 6/12/19)*

Dear Senator Wiener:

The City of Pinole must respectfully continue to oppose SB 330, even with the amendments taken on June 12, 2019. As amended, this measure would, among other things, declare a statewide housing crisis and for a five-year period, prohibit a city from imposing parking requirements near rail stops, and freeze nearly all project related fees once a developer submits a “preliminary” application.

We agree with the fundamental problem – there are not enough homes being built in California. The City of Pinole remains committed to working with the Legislature and the Governor on finding ways to help spur much needed housing construction statewide without arbitrarily limiting how cities address community growth impacts.

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ATTACHMENT C

“preliminary” application lacks all of the necessary information to evaluate the project, a city would be unable to determine which fees apply to the project. Additionally, project specific fees would be essentially banned because those fees cannot be determined until a city fully analyzes the project. It is important to note that all project impact fees are extensively regulated by state law and the constitution. Cities can only charge a fee to cover the cost of providing the service for which the fee is applied. It is illegal for cities to charge project fees and use the funds for other purposes.

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For the reasons stated above, the City of Pinole opposes SB 330.

Sincerely,

Peter Murray
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City of Pinole

cc. The Honorable Nancy Skinner
Assembly Member Buffy Wicks
Sam Caygill, League of California Cities Eastbay Regional Public Affairs Manager,
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AMENDED IN ASSEMBLY JUNE 12, 2019

AMENDED IN SENATE MAY 21, 2019

AMENDED IN SENATE MAY 7, 2019

AMENDED IN SENATE APRIL 24, 2019

AMENDED IN SENATE APRIL 4, 2019

AMENDED IN SENATE MARCH 25, 2019

SENATE BILL

No. 330

Introduced by Senator Skinner

February 19, 2019

An act to amend Section 65589.5 of, to amend, repeal, and add Sections 65943 and 65950 of, to add and repeal Sections 65905.5, 65913.3, 65913.10, 65941.1, and 65950.2 of, and to add and repeal Chapter 12 (commencing with Section 66300) of Division 1 of Title 7 of, the Government Code, and to add and repeal Section 17980.12 of the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 330, as amended, Skinner. Housing Crisis Act of 2019.

(1) The Housing Accountability Act, which is part of the Planning and Zoning Law, prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on a preponderance of the evidence in the record. The act specifies that one way to satisfy that requirement is to make findings that the housing development project or emergency shelter is

inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete. The act requires a local agency that proposes to disapprove a housing development project that complies with applicable, objective general plan and zoning standards and criteria that were in effect at the time the application was deemed to be complete, or to approve it on the condition that it be developed at a lower density, to base its decision upon written findings supported by substantial evidence on the record that specified conditions exist, and places the burden of proof on the local agency to that effect. The act requires a court to impose a fine on a local agency under certain circumstances and requires that the fine be at least \$10,000 per housing unit in the housing development project on the date the application was deemed complete.

This bill, until January 1, 2025, would specify that an application is deemed complete for these purposes if a preliminary application was submitted, as described below.

Existing law authorizes the applicant, a person who would be eligible to apply for residency in the development or emergency shelter, or a housing organization to bring an action to enforce the Housing Accountability Act. If, in that action, a court finds that a local agency failed to satisfy the requirement to make the specified findings described above, existing law requires the court to issue an order or judgment compelling compliance with the act within 60 days, as specified.

This bill, until January 1, 2025, would additionally require a court to issue the order or judgment previously described if the local agency required or attempted to require certain housing development projects to comply with an ordinance, policy, or standard not adopted and in effect when a preliminary application was submitted.

Existing law authorizes a local agency to require a housing development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need, as specified.

This bill, until January 1, 2025, would, notwithstanding those provisions or any other law and with certain exceptions, require that a housing development project only be subject to the ordinances, policies, and standards adopted and in effect when a preliminary application is submitted, except as specified.

(2) The Planning and Zoning Law, except as provided, requires that a public hearing be held on an application for a variance from the requirements of a zoning ordinance, an application for a conditional use permit or equivalent development permit, a proposed revocation or modification of a variance or use permit or equivalent development permit, or an appeal from the action taken on any of those applications. That law requires that notice of a public hearing be provided in accordance with specified procedures.

This bill, until January 1, 2025, would prohibit a city or county from conducting more than 5 ~~de novo~~ hearings, as defined, held pursuant to these provisions, or any other law, ordinance, or regulation requiring a public hearing, if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete, as defined. The bill would require the city or county to consider and either approve or disapprove the housing development project at any of the 5 hearings consistent with the applicable timelines under the Permit Streamlining Act and ~~prohibit a city or county from continuing a hearing to another date.~~ Act.

(3) The Planning and Zoning Law requires a county or city to designate and zone sufficient vacant land for residential use with appropriate standards, as provided. That law also authorizes a development proponent to submit an application for a development that is subject to a specified streamlined, ministerial approval process and not subject to a conditional use permit if the development satisfies certain objective planning standards.

This bill, until January 1, 2025, with respect to land where housing is an allowable use on or after January 1, 2018, would prohibit a county or city in which specified conditions exist, determined by the Department of Housing and Community Development as provided, from imposing any new, increasing or enforcing any existing, requirement that a proposed housing development include parking in excess of specified amounts. If the city or county grants a conditional use permit approving a proposed housing development project and that project would have been eligible for a higher density under the city's or county's general plan land use designation and zoning ordinances as in effect on January 1, 2018, the bill would also require the city or county to allow the project at that higher density. The bill would require a project that requires the demolition of certain types of housing to comply with specified requirements, including the provision of

relocation assistance and a right of first refusal in the new housing to displaced occupants. The bill would require that any units for which a developer provides relocation assistance or a right of first refusal be considered in determining whether the housing development project satisfies the requirements, if applicable, of an inclusionary housing ordinance of the county or city.

The bill would state that these provisions would prevail over any conflicting provision of the Planning and Zoning Law or other law regulating housing development in this state, except as specifically provided. The bill would also require that any exception to these provisions, including an exception for the health and safety of occupants of a housing development project, be construed narrowly.

(4) The Permit Streamlining Act, which is part of the Planning and Zoning Law, requires each state agency and each local agency to compile one or more lists that specify in detail the information that will be required from any applicant for a development project. That law requires the state or local agency to make copies of this information available to all applicants for development projects and to any persons who request the information.

The bill, until January 1, 2025, for purposes of any state or local law, ordinance, or regulation that requires a city or county to determine whether the site of a proposed housing development project is a historic site, would require the city or county to make that determination, which would remain valid for the pendency of the housing development, at the time the application is deemed ~~complete~~. *complete, except as provided*. The bill, until January 1, 2025, would also require that each local agency make copies of any above-described list with respect to information required from an applicant for a housing development project available both (A) in writing to those persons to whom the agency is required to make information available and (B) publicly available on the internet website of the local agency.

The Permit Streamlining Act requires public agencies to approve or disapprove of a development project within certain timeframes, as specified. The act requires a public agency, upon its determination that an application for a development project is incomplete, to include a list and a thorough description of the specific information needed to complete the application. Existing law authorizes the applicant to submit the additional material to the public agency, requires the public agency to determine whether the submission of the application together with the submitted materials is complete within 30 days of receipt, and

provides for an appeal process from the public agency's determination. Existing law requires a final written determination by the agency on the appeal no later than 60 days after receipt of the applicant's written appeal.

This bill, until January 1, 2025, would provide that a housing development project, as defined, shall be deemed to have submitted a preliminary application upon providing specified information about the proposed project to the city or county from which approval for the project is being sought and sought. *The bill would require each local agency to compile a checklist and application form that applicants for housing development projects may use for that purpose and would require the Department of Housing and Community Development to adopt a standardized form that applicants for housing development projects may use for that purpose, as specified, for applicants seeking approval from a local agency that has not developed its own application form.* After the submittal of a preliminary application, the bill would provide that a housing development project would not be deemed to have submitted a complete initial application under these provisions if the development proponent revises the project such that the number of residential units or square footage of construction changes by 20% or more until the development proponent resubmits the information required by the bill so that it reflects the revisions. *The bill would require a development proponent to submit an application for a development project that includes all information necessary for the agency to review the application under the Permit Streamlining Act within 180 days of submitting the preliminary application.*

The bill, until January 1, 2025, would require the lead agency, as defined, if the application is determined to be incomplete, to provide the applicant with an exhaustive list of items that were not complete, as specified.

The bill, until January 1, 2025, would also provide that all deadlines in the Permit Streamlining Act are mandatory.

The Permit Streamlining Act generally requires that a public agency that is the lead agency for a development project approve or disapprove a project within 120 days from the date of certification by the lead agency of an environmental impact report prepared for certain development projects, but reduces this time period to 90 days from the certification of an environmental impact report for development projects meeting certain additional conditions relating to affordability. Existing law defines "development project" for these purposes to mean a use

consisting of either residential units only or mixed-use developments consisting of residential and nonresidential uses that satisfy certain other requirements.

This bill, until January 1, 2025, would reduce the time period in which a lead agency under these provisions is required to approve or disapprove a project from 120 days to 90 days, for a development project generally described above, and from 90 days to 60 days, for a development project that meets the above-described affordability conditions. The bill would recast the definition of “development project” for these purposes to mean a housing development project, as defined in the Housing Accountability Act.

(5) The Planning and Zoning Law, among other things, requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries that relates to its planning. That law authorizes the legislative body, if it deems it to be in the public interest, to amend all or part of an adopted general plan, as provided. That law also authorizes the legislative body of any county or city, pursuant to specified procedures, to adopt ordinances that, among other things, regulate the use of buildings, structures, and land as between industry, business, residences, open space, and other purposes.

This bill, until January 1, 2025, with respect to land where housing is an allowable use on or after January 1, 2018, except as specified, would prohibit a county or city, including the electorate exercising its local initiative or referendum power, in which specified conditions exist, determined by the Department of Housing and Community Development as provided, from enacting a development policy, standard, or condition, as defined, that would have the effect of (A) changing the land use designation or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing zoning district below what was allowed under the general plan or specific plan land use designation and zoning ordinances of the county or city as in effect on January 1, 2018; (B) imposing or enforcing a moratorium on housing development within all or a portion of the jurisdiction of the county or city, except as provided; (C) imposing or enforcing new design standards established on or after January 1, 2018, that are not objective design standards, as defined; or (D) establishing or implementing certain limits on the number of permits issued by, or the population of, the county or city, unless the limit was approved prior to January 1, 2005, in a predominantly agricultural county, as defined.

The bill would, notwithstanding these prohibitions, allow a city or county to prohibit the commercial use of land zoned for residential use consistent with the authority of the city or county conferred by other law. The bill would state that these prohibitions would apply to any zoning ordinance adopted or amended on or after January 1, 2018, and that any development policy, standard, or condition on or after that date that does not comply would be deemed void.

The bill would state that these prohibitions would prevail over any conflicting provision of the Planning and Zoning Law or other law regulating housing development in this state, except as specifically provided. The bill would also require that any exception to these provisions, including an exception for the health and safety of occupants of a housing development project, be construed narrowly. The bill would also declare any requirement to obtain local voter approval or supermajority approval of any body of the county or city for specified purposes related to housing development against public policy and void.

(6) The State Housing Law, among other things, requires the Department of Housing and Community Development to propose the adoption, amendment, or repeal of building standards to the California Building Standards Commission, and to adopt, amend, and repeal other rules and regulations for the protection of the public health, safety, and general welfare of the occupant and the public, governing hotels, motels, lodging houses, apartment houses, and dwellings, and buildings and structures accessory thereto. That law specifies that the provisions of the State Housing Law and the building standards and rules and regulations adopted pursuant to that law apply in all parts of the state and requires specified entities within each city, county, or city and county to enforce within its jurisdiction those pertaining to the maintenance, sanitation, ventilation, use, or occupancy of apartment houses, hotels, or dwellings. That law authorizes an enforcement agency to institute an appropriate action or proceeding to prevent, restrain, correct, or abate violations of that law, or building standards, rules, or regulations adopted pursuant to that law, after providing 30 days' notice, or a shorter period of time under certain circumstances. A violation of the State Housing Law, or any building standard, rule, or regulation adopted pursuant to that law, is a misdemeanor.

This bill would authorize the owner of an occupied substandard building or unit in a zone where residential use is a permitted use that receives a notice to correct a violation of a building standard under the State Housing Law or abate a nuisance to submit an application to the

enforcement agency requesting that enforcement of the violation or nuisance be delayed for up to 7 years. The bill would ~~require~~ *authorize* the enforcement agency to grant a request to delay enforcement if it determines that correcting the violation or abating the nuisance is not necessary to protect health and safety. The bill would repeal these provisions as of January 1, 2025.

(7) This bill would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

(8) By imposing various new requirements and duties on local planning officials with respect to housing development, and by changing the scope of a crime under the State Housing Law, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(9) This bill would provide that its provisions are severable.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Housing Crisis Act of 2019.
- 3 SEC. 2. (a) The Legislature finds and declares the following:
- 4 (1) California is experiencing a housing supply crisis, with
- 5 housing demand far outstripping supply. In 2018, California ranked
- 6 49th out of the 50 states in housing units per capita.
- 7 (2) Consequently, existing housing in this state, especially in
- 8 its largest cities, has become very expensive. Seven of the 10 most
- 9 expensive real estate markets in the United States are in California.
- 10 In San Francisco, the median home price is \$1.6 million.
- 11 (3) California is also experiencing rapid year-over-year rent
- 12 growth with three cities in the state having had overall rent growth

1 of 10 percent or more year-over-year, and of the 50 United States
2 cities with the highest United States rents, 33 are cities in
3 California.

4 (4) California needs an estimated 180,000 additional homes
5 annually to keep up with population growth, and the Governor has
6 called for 3.5 million new homes to be built over the next 7 years.

7 (5) The housing crisis has particularly exacerbated the need for
8 affordable homes at prices below market rates.

9 (6) The housing crisis harms families across California and has
10 resulted in all of the following:

11 (A) Increased poverty and homelessness, especially first-time
12 homelessness.

13 (B) Forced lower income residents into crowded and unsafe
14 housing in urban areas.

15 (C) Forced families into lower cost new housing in greenfields
16 at the urban-rural interface with longer commute times and a higher
17 exposure to fire hazard.

18 (D) Forced public employees, health care providers, teachers,
19 and others, including critical safety personnel, into more affordable
20 housing farther from the communities they serve, which will
21 exacerbate future disaster response challenges in high-cost,
22 high-congestion areas and increase risk to life.

23 (E) Driven families out of the state or into communities away
24 from good schools and services, making the ZIP Code where one
25 grew up the largest determinate of later access to opportunities
26 and social mobility, disrupting family life, and increasing health
27 problems due to long commutes that may exceed three hours per
28 day.

29 (7) The housing crisis has been exacerbated by the additional
30 loss of units due to wildfires in 2017 and 2018, which impacts all
31 regions of the state. The Carr Fire in 2017 alone burned over 1,000
32 homes, and over 50,000 people have been displaced by the Camp
33 Fire and the Woolsey Fire in 2018. This temporary and permanent
34 displacement has placed additional demand on the housing market
35 and has resulted in fewer housing units available for rent by
36 low-income individuals.

37 (8) Individuals who lose their housing due to fire or the sale of
38 the property cannot find affordable homes or rental units and are
39 pushed into cars and tents.

(9) Costs for construction of new housing continue to increase. According to the Turner Center for Housing Innovation at the University of California, Berkeley, the cost of building a 100-unit affordable housing project in the state was almost \$425,000 per unit in 2016, up from \$265,000 per unit in 2000.

(10) Lengthy permitting processes and approval times, fees and costs for parking, and other requirements further exacerbate cost of residential construction.

(11) The housing crisis is severely impacting the state's economy as follows:

(A) Employers face increasing difficulty in securing and retaining a workforce.

(B) Schools, universities, nonprofits, and governments have difficulty attracting and retaining teachers, students, and employees, and our schools and critical services are suffering.

(C) According to analysts at McKinsey and Company, the housing crisis is costing California \$140 billion a year in lost economic output.

(12) The housing crisis also harms the environment by doing both of the following:

(A) Increasing pressure to develop the state's farmlands, open space, and rural interface areas to build affordable housing, and increasing fire hazards that generate massive greenhouse gas emissions.

(B) Increasing greenhouse gas emissions from longer commutes to affordable homes far from growing job centers.

(13) Homes, lots, and structures near good jobs, schools, and transportation remain underutilized throughout the state and could be rapidly remodeled or developed to add affordable homes without subsidy where they are needed with state assistance.

(14) Reusing existing infrastructure and developed properties, and building more smaller homes with good access to schools, parks, and services, will provide the most immediate help with the lowest greenhouse gas footprint to state residents.

(b) In light of the foregoing, the Legislature hereby declares a statewide housing emergency, to be in effect until January 1, 2025.

(c) It is the intent of the Legislature, in enacting the Housing Crisis Act of 2019, to do both of the following:

1 (1) Suspend certain restrictions on the development of new
2 housing during the period of the statewide emergency described
3 in subdivisions (a) and (b).

4 (2) Work with local governments to expedite the permitting of
5 housing in regions suffering the worst housing shortages and
6 highest rates of displacement.

7 SEC. 3. Section 65589.5 of the Government Code is amended
8 to read:

9 65589.5. (a) (1) The Legislature finds and declares all of the
10 following:

11 (A) The lack of housing, including emergency shelters, is a
12 critical problem that threatens the economic, environmental, and
13 social quality of life in California.

14 (B) California housing has become the most expensive in the
15 nation. The excessive cost of the state's housing supply is partially
16 caused by activities and policies of many local governments that
17 limit the approval of housing, increase the cost of land for housing,
18 and require that high fees and exactions be paid by producers of
19 housing.

20 (C) Among the consequences of those actions are discrimination
21 against low-income and minority households, lack of housing to
22 support employment growth, imbalance in jobs and housing,
23 reduced mobility, urban sprawl, excessive commuting, and air
24 quality deterioration.

25 (D) Many local governments do not give adequate attention to
26 the economic, environmental, and social costs of decisions that
27 result in disapproval of housing development projects, reduction
28 in density of housing projects, and excessive standards for housing
29 development projects.

30 (2) In enacting the amendments made to this section by the act
31 adding this paragraph, the Legislature further finds and declares
32 the following:

33 (A) California has a housing supply and affordability crisis of
34 historic proportions. The consequences of failing to effectively
35 and aggressively confront this crisis are hurting millions of
36 Californians, robbing future generations of the chance to call
37 California home, stifling economic opportunities for workers and
38 businesses, worsening poverty and homelessness, and undermining
39 the state's environmental and climate objectives.

1 (B) While the causes of this crisis are multiple and complex,
2 the absence of meaningful and effective policy reforms to
3 significantly enhance the approval and supply of housing affordable
4 to Californians of all income levels is a key factor.

5 (C) The crisis has grown so acute in California that supply,
6 demand, and affordability fundamentals are characterized in the
7 negative: underserved demands, constrained supply, and protracted
8 unaffordability.

9 (D) According to reports and data, California has accumulated
10 an unmet housing backlog of nearly 2,000,000 units and must
11 provide for at least 180,000 new units annually to keep pace with
12 growth through 2025.

13 (E) California's overall homeownership rate is at its lowest level
14 since the 1940s. The state ranks 49th out of the 50 states in
15 homeownership rates as well as in the supply of housing per capita.
16 Only one-half of California's households are able to afford the
17 cost of housing in their local regions.

18 (F) Lack of supply and rising costs are compounding inequality
19 and limiting advancement opportunities for many Californians.

20 (G) The majority of California renters, more than 3,000,000
21 households, pay more than 30 percent of their income toward rent
22 and nearly one-third, more than 1,500,000 households, pay more
23 than 50 percent of their income toward rent.

24 (H) When Californians have access to safe and affordable
25 housing, they have more money for food and health care; they are
26 less likely to become homeless and in need of
27 government-subsidized services; their children do better in school;
28 and businesses have an easier time recruiting and retaining
29 employees.

30 (I) An additional consequence of the state's cumulative housing
31 shortage is a significant increase in greenhouse gas emissions
32 caused by the displacement and redirection of populations to states
33 with greater housing opportunities, particularly working- and
34 middle-class households. California's cumulative housing shortfall
35 therefore has not only national but international environmental
36 consequences.

37 (J) California's housing picture has reached a crisis of historic
38 proportions despite the fact that, for decades, the Legislature has
39 enacted numerous statutes intended to significantly increase the

1 approval, development, and affordability of housing for all income
2 levels, including this section.

3 (K) The Legislature's intent in enacting this section in 1982 and
4 in expanding its provisions since then was to significantly increase
5 the approval and construction of new housing for all economic
6 segments of California's communities by meaningfully and
7 effectively curbing the capability of local governments to deny,
8 reduce the density for, or render infeasible housing development
9 projects and emergency shelters. That intent has not been fulfilled.

10 (L) It is the policy of the state that this section should be
11 interpreted and implemented in a manner to afford the fullest
12 possible weight to the interest of, and the approval and provision
13 of, housing.

14 (3) It is the intent of the Legislature that the conditions that
15 would have a specific, adverse impact upon the public health and
16 safety, as described in paragraph (2) of subdivision (d) and
17 paragraph (1) of subdivision (j), arise infrequently.

18 (b) It is the policy of the state that a local government not reject
19 or make infeasible housing development projects, including
20 emergency shelters, that contribute to meeting the need determined
21 pursuant to this article without a thorough analysis of the economic,
22 social, and environmental effects of the action and without
23 complying with subdivision (d).

24 (c) The Legislature also recognizes that premature and
25 unnecessary development of agricultural lands for urban uses
26 continues to have adverse effects on the availability of those lands
27 for food and fiber production and on the economy of the state.
28 Furthermore, it is the policy of the state that development should
29 be guided away from prime agricultural lands; therefore, in
30 implementing this section, local jurisdictions should encourage,
31 to the maximum extent practicable, in filling existing urban areas.

32 (d) A local agency shall not disapprove a housing development
33 project, including farmworker housing as defined in subdivision
34 (h) of Section 50199.7 of the Health and Safety Code, for very
35 low, low-, or moderate-income households, or an emergency
36 shelter, or condition approval in a manner that renders the housing
37 development project infeasible for development for the use of very
38 low, low-, or moderate-income households, or an emergency
39 shelter, including through the use of design review standards,

1 unless it makes written findings, based upon a preponderance of
2 the evidence in the record, as to one of the following:

3 (1) The jurisdiction has adopted a housing element pursuant to
4 this article that has been revised in accordance with Section 65588,
5 is in substantial compliance with this article, and the jurisdiction
6 has met or exceeded its share of the regional housing need
7 allocation pursuant to Section 65584 for the planning period for
8 the income category proposed for the housing development project,
9 provided that any disapproval or conditional approval shall not be
10 based on any of the reasons prohibited by Section 65008. If the
11 housing development project includes a mix of income categories,
12 and the jurisdiction has not met or exceeded its share of the regional
13 housing need for one or more of those categories, then this
14 paragraph shall not be used to disapprove or conditionally approve
15 the housing development project. The share of the regional housing
16 need met by the jurisdiction shall be calculated consistently with
17 the forms and definitions that may be adopted by the Department
18 of Housing and Community Development pursuant to Section
19 65400. In the case of an emergency shelter, the jurisdiction shall
20 have met or exceeded the need for emergency shelter, as identified
21 pursuant to paragraph (7) of subdivision (a) of Section 65583. Any
22 disapproval or conditional approval pursuant to this paragraph
23 shall be in accordance with applicable law, rule, or standards.

24 (2) The housing development project or emergency shelter as
25 proposed would have a specific, adverse impact upon the public
26 health or safety, and there is no feasible method to satisfactorily
27 mitigate or avoid the specific adverse impact without rendering
28 the development unaffordable to low- and moderate-income
29 households or rendering the development of the emergency shelter
30 financially infeasible. As used in this paragraph, a “specific,
31 adverse impact” means a significant, quantifiable, direct, and
32 unavoidable impact, based on objective, identified written public
33 health or safety standards, policies, or conditions as they existed
34 on the date the application was deemed complete. Inconsistency
35 with the zoning ordinance or general plan land use designation
36 shall not constitute a specific, adverse impact upon the public
37 health or safety.

38 (3) The denial of the housing development project or imposition
39 of conditions is required in order to comply with specific state or
40 federal law, and there is no feasible method to comply without

rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The housing development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article. For purposes of this section, a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter.

(A) This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the housing development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction's housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation.

(B) If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify

1 adequate sites with appropriate zoning and development standards
2 and with services and facilities to accommodate the local agency's
3 share of the regional housing need for the very low, low-, and
4 moderate-income categories.

5 (C) If the local agency has failed to identify a zone or zones
6 where emergency shelters are allowed as a permitted use without
7 a conditional use or other discretionary permit, has failed to
8 demonstrate that the identified zone or zones include sufficient
9 capacity to accommodate the need for emergency shelter identified
10 in paragraph (7) of subdivision (a) of Section 65583, or has failed
11 to demonstrate that the identified zone or zones can accommodate
12 at least one emergency shelter, as required by paragraph (4) of
13 subdivision (a) of Section 65583, then this paragraph shall not be
14 utilized to disapprove or conditionally approve an emergency
15 shelter proposed for a site designated in any element of the general
16 plan for industrial, commercial, or multifamily residential uses. In
17 any action in court, the burden of proof shall be on the local agency
18 to show that its housing element does satisfy the requirements of
19 paragraph (4) of subdivision (a) of Section 65583.

20 (e) Nothing in this section shall be construed to relieve the local
21 agency from complying with the congestion management program
22 required by Chapter 2.6 (commencing with Section 65088) of
23 Division 1 of Title 7 or the California Coastal Act of 1976
24 (Division 20 (commencing with Section 30000) of the Public
25 Resources Code). Neither shall anything in this section be
26 construed to relieve the local agency from making one or more of
27 the findings required pursuant to Section 21081 of the Public
28 Resources Code or otherwise complying with the California
29 Environmental Quality Act (Division 13 (commencing with Section
30 21000) of the Public Resources Code).

31 (f) (1) Except as provided in subdivision (o), nothing in this
32 section shall be construed to prohibit a local agency from requiring
33 the housing development project to comply with objective,
34 quantifiable, written development standards, conditions, and
35 policies appropriate to, and consistent with, meeting the
36 jurisdiction's share of the regional housing need pursuant to Section
37 65584. However, the development standards, conditions, and
38 policies shall be applied to facilitate and accommodate
39 development at the density permitted on the site and proposed by
40 the development.

(2) Except as provided in subdivision (o), nothing in this section shall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

(3) Except as provided in subdivision (o), nothing in this section shall be construed to prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the housing development project or emergency shelter.

(4) For purposes of this section, a housing development project or emergency shelter shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity.

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.

(h) The following definitions apply for the purposes of this section:

(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) "Housing development project" means a use consisting of any of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.

(C) Transitional housing or supportive housing.

(3) "Housing for very low, low-, or moderate-income households" means that either (A) at least 20 percent of the total

1 units shall be sold or rented to lower income households, as defined
2 in Section 50079.5 of the Health and Safety Code, or (B) 100
3 percent of the units shall be sold or rented to persons and families
4 of moderate income as defined in Section 50093 of the Health and
5 Safety Code, or persons and families of middle income, as defined
6 in Section 65008 of this code. Housing units targeted for lower
7 income households shall be made available at a monthly housing
8 cost that does not exceed 30 percent of 60 percent of area median
9 income with adjustments for household size made in accordance
10 with the adjustment factors on which the lower income eligibility
11 limits are based. Housing units targeted for persons and families
12 of moderate income shall be made available at a monthly housing
13 cost that does not exceed 30 percent of 100 percent of area median
14 income with adjustments for household size made in accordance
15 with the adjustment factors on which the moderate-income
16 eligibility limits are based.

17 (4) “Area median income” means area median income as
18 periodically established by the Department of Housing and
19 Community Development pursuant to Section 50093 of the Health
20 and Safety Code. The developer shall provide sufficient legal
21 commitments to ensure continued availability of units for very low
22 or low-income households in accordance with the provisions of
23 this subdivision for 30 years.

24 (5) Notwithstanding any other law, until January 1, 2025,
25 “deemed complete” means that the applicant has submitted a
26 preliminary application pursuant to Section 65941.1.

27 (6) “Disapprove the housing development project” includes any
28 instance in which a local agency does either of the following:

29 (A) Votes on a proposed housing development project
30 application and the application is disapproved, including any
31 required land use approvals or entitlements necessary for the
32 issuance of a building permit.

33 (B) Fails to comply with the time periods specified in
34 subdivision (a) of Section 65950. An extension of time pursuant
35 to Article 5 (commencing with Section 65950) shall be deemed to
36 be an extension of time pursuant to this paragraph.

37 ~~(7) “Lower density” includes any conditions that have the same~~
38 ~~effect or impact on the ability of the project to provide housing.~~

39 (8)

(7) Until January 1, 2025, ~~“objective standard or criteria”~~
~~“objective” means one that involves~~ *involving* no personal or
 subjective judgment by a public official and ~~is being~~ uniformly
 verifiable by reference to an external and uniform benchmark or
 criterion available and knowable by both the development applicant
 or proponent and the public official before submittal of an
 application. *official.*

(i) If any city, county, or city and county denies approval or
 imposes conditions, including design changes, lower density, or
 a reduction of the percentage of a lot that may be occupied by a
 building or structure under the applicable planning and zoning in
 force at the time the housing development project’s application is
 deemed complete, that have a substantial adverse effect on the
 viability or affordability of a housing development for very low,
 low-, or moderate-income households, and the denial of the
 development or the imposition of conditions on the development
 is the subject of a court action which challenges the denial or the
 imposition of conditions, then the burden of proof shall be on the
 local legislative body to show that its decision is consistent with
 the findings as described in subdivision (d), and that the findings
 are supported by a preponderance of the evidence in the record,
 and with the requirements of subdivision (o).

(j) (1) When a proposed housing development project complies
 with applicable, objective general plan, zoning, and subdivision
 standards and criteria, including design review standards, in effect
 at the time that the application was deemed complete, but the local
 agency proposes to disapprove the project or to impose a condition
 that the project be developed at a lower density, the local agency
 shall base its decision regarding the proposed housing development
 project upon written findings supported by a preponderance of the
 evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific,
 adverse impact upon the public health or safety unless the project
 is disapproved or approved upon the condition that the project be
 developed at a lower density. As used in this paragraph, a “specific,
 adverse impact” means a significant, quantifiable, direct, and
 unavoidable impact, based on objective, identified written public
 health or safety standards, policies, or conditions as they existed
 on the date the application was deemed complete.

1 (B) There is no feasible method to satisfactorily mitigate or
2 avoid the adverse impact identified pursuant to paragraph (1), other
3 than the disapproval of the housing development project or the
4 approval of the project upon the condition that it be developed at
5 a lower density.

6 (2) (A) If the local agency considers a proposed housing
7 development project to be inconsistent, not in compliance, or not
8 in conformity with an applicable plan, program, policy, ordinance,
9 standard, requirement, or other similar provision as specified in
10 this subdivision, it shall provide the applicant with written
11 documentation identifying the provision or provisions, and an
12 explanation of the reason or reasons it considers the housing
13 development to be inconsistent, not in compliance, or not in
14 conformity as follows:

15 (i) Within 30 days of the date that the application for the housing
16 development project is determined to be complete, if the housing
17 development project contains 150 or fewer housing units.

18 (ii) Within 60 days of the date that the application for the
19 housing development project is determined to be complete, if the
20 housing development project contains more than 150 units.

21 (B) If the local agency fails to provide the required
22 documentation pursuant to subparagraph (A), the housing
23 development project shall be deemed consistent, compliant, and
24 in conformity with the applicable plan, program, policy, ordinance,
25 standard, requirement, or other similar provision.

26 (3) For purposes of this section, the receipt of a density bonus
27 pursuant to Section 65915 shall not constitute a valid basis on
28 which to find a proposed housing development project is
29 inconsistent, not in compliance, or not in conformity, with an
30 applicable plan, program, policy, ordinance, standard, requirement,
31 or other similar provision specified in this subdivision.

32 (4) For purposes of this section, a proposed housing development
33 project is not inconsistent with the applicable zoning standards
34 and criteria, and shall not require a rezoning, if the housing
35 development project is consistent with the objective general plan
36 standards and criteria but the zoning for the project site is
37 inconsistent with the general plan. If the local agency has complied
38 with paragraph (2), the local agency may require the proposed
39 housing development project to comply with the objective
40 standards and criteria of the zoning which is consistent with the

general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.

(k) (1) (A) (i) The applicant, a person who would be eligible to apply for residency in the development or emergency shelter, or a housing organization may bring an action to enforce this section. If, in any action brought to enforce this section, a court finds that any of the following are met, the court shall issue an order pursuant to clause (ii):

(I) The local agency, in violation of subdivision (d), disapproved a housing development project or conditioned its approval in a manner rendering it infeasible for the development of an emergency shelter, or housing for very low, low-, or moderate-income households, including farmworker housing, without making the findings required by this section or without making findings supported by a preponderance of the evidence.

(II) The local agency, in violation of subdivision (j), disapproved a housing development project complying with applicable, objective general plan and zoning standards and criteria, or imposed a condition that the project be developed at a lower density, without making the findings required by this section or without making findings supported by a preponderance of the evidence.

(III) (ia) Subject to sub-subclause (ib), the local agency, in violation of subdivision (o), required or attempted to require a housing development project to comply with an ordinance, policy, or standard not adopted and in effect when a preliminary application was submitted.

(ib) This subclause shall become inoperative on January 1, 2025.

(ii) If the court finds that one of the conditions in clause (i) is met, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the housing development project or emergency shelter. The court may issue an order or judgment directing the local agency to approve the housing development project or emergency shelter if the court finds that the local agency acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award

1 reasonable attorney's fees and costs of suit to the plaintiff or
2 petitioner, except under extraordinary circumstances in which the
3 court finds that awarding fees would not further the purposes of
4 this section.

5 (B) (i) Upon a determination that the local agency has failed
6 to comply with the order or judgment compelling compliance with
7 this section within 60 days issued pursuant to subparagraph (A),
8 the court shall impose fines on a local agency that has violated this
9 section and require the local agency to deposit any fine levied
10 pursuant to this subdivision into a local housing trust fund. The
11 local agency may elect to instead deposit the fine into the Building
12 Homes and Jobs Fund, if Senate Bill 2 of the 2017–18 Regular
13 Session is enacted, or otherwise in the Housing Rehabilitation
14 Loan Fund. The fine shall be in a minimum amount of ten thousand
15 dollars (\$10,000) per housing unit in the housing development
16 project on the date the application was deemed complete pursuant
17 to Section 65943. In determining the amount of fine to impose,
18 the court shall consider the local agency's progress in attaining its
19 target allocation of the regional housing need pursuant to Section
20 65584 and any prior violations of this section. Fines shall not be
21 paid out of funds already dedicated to affordable housing,
22 including, but not limited to, Low and Moderate Income Housing
23 Asset Funds, funds dedicated to housing for very low, low-, and
24 moderate-income households, and federal HOME Investment
25 Partnerships Program and Community Development Block Grant
26 Program funds. The local agency shall commit and expend the
27 money in the local housing trust fund within five years for the sole
28 purpose of financing newly constructed housing units affordable
29 to extremely low, very low, or low-income households. After five
30 years, if the funds have not been expended, the money shall revert
31 to the state and be deposited in the Building Homes and Jobs Fund,
32 if Senate Bill 2 of the 2017–18 Regular Session is enacted, or
33 otherwise in the Housing Rehabilitation Loan Fund, for the sole
34 purpose of financing newly constructed housing units affordable
35 to extremely low, very low, or low-income households.

36 (ii) If any money derived from a fine imposed pursuant to this
37 subparagraph is deposited in the Housing Rehabilitation Loan
38 Fund, then, notwithstanding Section 50661 of the Health and Safety
39 Code, that money shall be available only upon appropriation by
40 the Legislature.

1 (C) If the court determines that its order or judgment has not
2 been carried out within 60 days, the court may issue further orders
3 as provided by law to ensure that the purposes and policies of this
4 section are fulfilled, including, but not limited to, an order to vacate
5 the decision of the local agency and to approve the housing
6 development project, in which case the application for the housing
7 development project, as proposed by the applicant at the time the
8 local agency took the initial action determined to be in violation
9 of this section, along with any standard conditions determined by
10 the court to be generally imposed by the local agency on similar
11 projects, shall be deemed to be approved unless the applicant
12 consents to a different decision or action by the local agency.

13 (2) For purposes of this subdivision, “housing organization”
14 means a trade or industry group whose local members are primarily
15 engaged in the construction or management of housing units or a
16 nonprofit organization whose mission includes providing or
17 advocating for increased access to housing for low-income
18 households and have filed written or oral comments with the local
19 agency prior to action on the housing development project. A
20 housing organization may only file an action pursuant to this
21 section to challenge the disapproval of a housing development by
22 a local agency. A housing organization shall be entitled to
23 reasonable attorney’s fees and costs if it is the prevailing party in
24 an action to enforce this section.

25 (l) If the court finds that the local agency (1) acted in bad faith
26 when it disapproved or conditionally approved the housing
27 development or emergency shelter in violation of this section and
28 (2) failed to carry out the court’s order or judgment within 60 days
29 as described in subdivision (k), the court, in addition to any other
30 remedies provided by this section, shall multiply the fine
31 determined pursuant to subparagraph (B) of paragraph (1) of
32 subdivision (k) by a factor of five. For purposes of this section,
33 “bad faith” includes, but is not limited to, an action that is frivolous
34 or otherwise entirely without merit.

35 (m) Any action brought to enforce the provisions of this section
36 shall be brought pursuant to Section 1094.5 of the Code of Civil
37 Procedure, and the local agency shall prepare and certify the record
38 of proceedings in accordance with subdivision (c) of Section 1094.6
39 of the Code of Civil Procedure no later than 30 days after the
40 petition is served, provided that the cost of preparation of the record

1 shall be borne by the local agency, unless the petitioner elects to
2 prepare the record as provided in subdivision (n) of this section.
3 A petition to enforce the provisions of this section shall be filed
4 and served no later than 90 days from the later of (1) the effective
5 date of a decision of the local agency imposing conditions on,
6 disapproving, or any other final action on a housing development
7 project or (2) the expiration of the time periods specified in
8 subparagraph (B) of paragraph (5) of subdivision (h). Upon entry
9 of the trial court's order, a party may, in order to obtain appellate
10 review of the order, file a petition within 20 days after service
11 upon it of a written notice of the entry of the order, or within such
12 further time not exceeding an additional 20 days as the trial court
13 may for good cause allow, or may appeal the judgment or order
14 of the trial court under Section 904.1 of the Code of Civil
15 Procedure. If the local agency appeals the judgment of the trial
16 court, the local agency shall post a bond, in an amount to be
17 determined by the court, to the benefit of the plaintiff if the plaintiff
18 is the project applicant.

19 (n) In any action, the record of the proceedings before the local
20 agency shall be filed as expeditiously as possible and,
21 notwithstanding Section 1094.6 of the Code of Civil Procedure or
22 subdivision (m) of this section, all or part of the record may be
23 prepared (1) by the petitioner with the petition or petitioner's points
24 and authorities, (2) by the respondent with respondent's points and
25 authorities, (3) after payment of costs by the petitioner, or (4) as
26 otherwise directed by the court. If the expense of preparing the
27 record has been borne by the petitioner and the petitioner is the
28 prevailing party, the expense shall be taxable as costs.

29 (o) (1) Subject to paragraphs ~~(2) and~~ (2), (6), and (7), and
30 *subdivision (d) of Section 65941.1*, a housing development project
31 shall be subject only to the ordinances, policies, and standards
32 adopted and in effect when a preliminary application *including all*
33 *of the information required by subdivision (a) of Section 65941.1*
34 ~~was submitted pursuant to Section 65941.1: submitted.~~

35 (2) Paragraph (1) shall not prohibit a housing development
36 project from being subject to ordinances, policies, and standards
37 adopted after the preliminary application was submitted pursuant
38 to Section 65941.1 in the following circumstances:

39 (A) In the case of a fee, charge, or other monetary exaction, to
40 an increase resulting from an automatic annual adjustment based

on an independently published cost index that is referenced in the ordinance or resolution establishing the fee or other monetary exaction.

(B) A preponderance of the evidence in the record establishes that subjecting the housing development project to an ordinance, policy, or standard beyond those in effect when a preliminary application was submitted is necessary to mitigate or avoid a specific, adverse impact upon the public health or safety, as defined in subparagraph (A) of paragraph (1) of subdivision (j), and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact.

(C) Subjecting the housing development project to an ordinance, policy, ~~or standard~~ *standard, or any other measure*, beyond those in effect when a preliminary application was submitted is necessary ~~to mitigate avoid or substantially lessen~~ *to mitigate avoid or substantially lessen* an impact of the project ~~to a less than significant level pursuant to~~ *under* the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(D) The housing development project has not commenced construction within three years following the date that the project received final approval. For purposes of this subparagraph, “final approval” means that the housing development project has received all necessary approvals to be eligible to apply for, and obtain, a building permit or permits and either of the following is met:

(i) The expiration of all applicable appeal periods, petition periods, reconsideration periods, or statute of limitations for challenging that final approval without an appeal, petition, request for reconsideration, or legal challenge having been filed.

(ii) If a challenge is filed, that challenge is fully resolved or settled in favor of the housing development project.

(E) The housing development project is revised following submittal of a preliminary application pursuant to Section 65941.1 such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision. For purposes of this subdivision, “square footage of construction” means the building area, as defined by the California Building Standards Code (Title 24 of the California Code of Regulations).

(3) This subdivision does not prevent a local agency from subjecting the additional units or square footage of construction that result from project revisions occurring after a preliminary application is submitted pursuant to Section 65941.1 to the ordinances, policies, and standards adopted and in effect when the complete initial application was submitted.

(4) For purposes of this subdivision, “ordinances, policies, and standards” includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions.

(5) This subdivision shall not be construed in a manner that would lessen the restrictions imposed on a local agency, or lessen the protections afforded to a housing development project, that are established by any other law, including any other part of this section.

(6) This subdivision shall not restrict the authority of a public agency or local agency to require mitigation measures to lessen the impacts of a housing development project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

~~(6)~~

(7) This subdivision shall become inoperative on January 1, 2025.

(p) This section shall be known, and may be cited, as the Housing Accountability Act.

SEC. 4. Section 65905.5 is added to the Government Code, to read:

65905.5. (a) Notwithstanding any other law, if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete, ~~a city or county~~ *city, county, or city and county* shall not conduct more than five ~~de novo~~ hearings pursuant to Section 65905, or any other law, ordinance, or regulation requiring a public hearing in connection with the approval of that housing development project. *If the city, county, or city and county continues a hearing subject to this section to another date, the continued hearing shall count as one of the five*

hearings allowed under this section. ~~The city or county~~ city, county, or city and county shall consider and either approve or disapprove the application at any of the five hearings allowed under this section consistent with the applicable timelines under the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)). ~~The city or county shall schedule each hearing to occur within 30 days following the request by the applicant, or an earlier date if otherwise required by law. The city or county shall not continue any hearing subject to this section to another date.~~

(b) For purposes of this section:

(1) “Deemed complete” means that the application has met all of the requirements specified in the relevant list compiled pursuant to Section 65940 that was available at the time when the application was submitted.

(2) “Hearing” includes any public hearing, workshop, or similar meeting conducted by the city or county with respect to the housing development project, whether by the legislative body of the city or county, the planning agency established pursuant to Section 65100, or any other agency, department, board, or commission of the city or county or any committee or subcommittee thereof. *“Hearing” does not include a hearing to review a legislative approval required for a proposed housing development project, including, but not limited to, a general plan amendment, a specific plan adoption or amendment, or a zoning amendment, or any hearing arising from a timely appeal of the approval or disapproval of a legislative approval.*

(3) “Housing development project” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(c) (1) For purposes of this section, a housing development project shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project is consistent, compliant, or in conformity.

(2) A proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria, but the

1 zoning for the project site is inconsistent with the general plan. If
2 the local agency complies with the written documentation
3 requirements of paragraph (2) of subdivision (j) of Section 65589.5,
4 the local agency may require the proposed housing development
5 project to comply with the objective standards and criteria of the
6 zoning that is consistent with the general plan; however, the
7 standards and criteria shall be applied to facilitate and
8 accommodate development at the density allowed on the site by
9 the general plan and proposed by the proposed housing
10 development project.

11 (d) Nothing in this section supersedes, limits, or otherwise
12 modifies the requirements of, or the standards of review pursuant
13 to, Division 13 (commencing with Section 21000) of the Public
14 Resources Code.

15 (e) This section shall remain in effect only until January 1, 2025,
16 and as of that date is repealed.

17 SEC. 5. Section 65913.3 is added to the Government Code, to
18 read:

19 65913.3. (a) As used in this section:

20 (1) (A) Except as otherwise provided in subparagraph (B),
21 “affected city” means ~~a city, city or city and county~~, including a
22 charter city, for which the Department of Housing and Community
23 Development determines, pursuant to subdivision (f), that the
24 average of both of the following amounts is greater than zero:

25 (i) The percentage by which the city’s average rate of rent
26 ~~exceeded~~ *differed from* 130 percent of the national median rent in
27 2017, based on the federal 2013–2017 American Community
28 Survey 5-year Estimates.

29 (ii) The percentage by which the vacancy rate for residential
30 rental units ~~is less than~~ *differed from* the national vacancy rate,
31 based on the federal 2013–2017 American Community Survey
32 5-year Estimates.

33 (B) Notwithstanding subparagraph (A), “affected city” does not
34 include any city that has a population of 5,000 or less and is not
35 located within an urban core.

36 (2) “Affected county” means *the unincorporated portions of a*
37 *county in which at least 50 percent of the cities located within the*
38 ~~territorial boundaries of the county are affected cities. that are~~
39 *wholly within the boundaries of an urbanized area or urban cluster,*
40 *as designated by the United States Census Bureau, for which the*

1 *Department of Housing and Community Development determines,*
2 *pursuant to subdivision (f), that the average of both of the following*
3 *amounts is greater than zero:*

4 (A) *The percentage by which the average rate of rent for*
5 *residential uses in the unincorporated portions of the county that*
6 *are wholly within the boundaries of an urbanized area or urban*
7 *cluster, as designated by the United States Census Bureau, differed*
8 *from 130 percent of the national median rent in 2017, based on*
9 *the federal 2013-2017 American Community Survey 5-year*
10 *Estimates.*

11 (B) *The percentage by which the vacancy rate for residential*
12 *rental units in the unincorporated portions of the county that are*
13 *wholly within the boundaries of an urbanized area or urban cluster,*
14 *as designated by the United States Census Bureau, differed from*
15 *the national vacancy rate, based on the federal 2013-2017*
16 *American Community Survey 5-year Estimates.*

17 (3) Notwithstanding any other law, for purposes of any action
18 that this section prohibits an affected county or an affected city
19 from doing, “affected county” and “affected city” includes the
20 electorate of the affected county or affected city, as applicable,
21 exercising its local initiative or referendum power with respect to
22 any act that is subject to that power by other law, whether that
23 power is derived from the California Constitution, statute, or the
24 charter or ordinances of the affected county or affected city.

25 (4) “Housing development project” has the same meaning as
26 defined in paragraph (2) of subdivision (h) of Section 65589.5.

27 (b) (1) Notwithstanding any other law, with respect to land
28 where housing is an allowable use on or after January 1, 2018, an
29 affected county or an affected city, as applicable, shall not impose
30 any new, or increase or enforce any existing, requirement that a
31 proposed housing development include parking, as applicable:

32 (A) A minimum parking requirement if the proposed housing
33 development is within one-quarter mile of a rail stop *that is a major*
34 *transit stop, as defined in subdivision (b) of Section 21155 of the*
35 *Public Resources Code, there is unobstructed access to the major*
36 *transit stop from the proposed housing development, and the*
37 *proposed housing development is in an affected city that meets*
38 *either of the following:*

39 (i) The affected city is located in a county with a population of
40 greater than 700,000.

1 (ii) The affected city has a population of 100,000 or greater and
2 is located in a county with a population of 700,000 or less.

3 (B) A minimum parking requirement in excess of 0.5 spaces
4 per unit in affected cities that are not subject to subparagraph (A).

5 (2) (A) An affected county or affected city may charge a fee
6 that is in lieu of a housing development's compliance with any
7 requirement imposed by the affected county or affected city, as
8 applicable, to include a certain percentage of affordable units.

9 (B) Nothing in this section prevents an affected county or an
10 affected city from charging a fee that is in lieu of a housing
11 development's compliance with any requirement imposed by the
12 affected county or affected city, as applicable, to include a certain
13 percentage of affordable units.

14 (c) A proposed housing development project is not inconsistent
15 with the applicable zoning standards and criteria, and shall not
16 require a rezoning, if the housing development project is consistent
17 with the objective general plan standards and criteria in effect as
18 of January 1, 2018, but the zoning for the project site is inconsistent
19 with the general plan. If the local agency complies with the written
20 documentation requirements of paragraph (2) of subdivision (j) of
21 Section 65589.5, the local agency may require the proposed
22 housing development project to comply with the objective
23 standards and criteria of the zoning that is consistent with the
24 general plan, however, the standards and criteria shall be applied
25 to facilitate and accommodate development at the density allowed
26 on the site by the general plan and proposed by the proposed
27 housing development project.

28 (d) If the affected county or affected city approves an application
29 for a conditional use permit for a proposed housing development
30 project and that project would have been eligible for a higher
31 density under the affected county's or affected city's general plan
32 land use designation and zoning ordinances as in effect prior to
33 January 1, 2018, the affected county or affected city shall allow
34 the project at that higher density.

35 (e) (1) Notwithstanding any other provision of this section, if
36 a proposed housing development project subject to this section
37 would require the demolition of residential property as described
38 in paragraph (2), an affected county or an affected city may only
39 approve that housing development if all of the following apply:

1 (A) There is no net loss of units being rented at an affordable
2 rent, as defined in Section 50053 of the Health and Safety Code,
3 to lower income households, as defined in Section 50079.5 of the
4 Health and Safety Code.

5 (B) The proposed housing development project increases density
6 above the density of the existing residential use of the property,
7 including an increased number of deed-restricted low-income units.

8 (C) Existing residents are allowed to occupy their units until
9 six months before the start of construction activities with proper
10 notice, subject to Chapter 16 (commencing with Section 7260) of
11 Division 7 of Title 1.

12 (D) The developer agrees to provide both of the following:

13 (i) Relocation benefits to the occupants of those affordable
14 residential rental units, subject to Chapter 16 (commencing with
15 Section 7260) of Division 7 of Title 1.

16 (ii) A right of first refusal for units available in the new housing
17 development affordable to the household at an affordable rent, as
18 defined in Section 50053 of the Health and Safety Code.

19 (E) The affected county or city is not otherwise prohibited from
20 approving the demolition of the affordable rental units pursuant
21 to subparagraph (B).

22 (2) For purposes of this subdivision, “residential property”
23 means:

24 (A) Residential rental units that are any of the following:

25 (i) Assisted pursuant to Section 8 of the United States Housing
26 Act of 1937.

27 (ii) Subject to any form of rent or price control through a public
28 entity’s valid exercise of its police power.

29 (iii) Affordable to persons with a household income equal to or
30 less than 80 percent of the area median income.

31 (B) A residential structure containing residential dwelling units
32 currently occupied by tenants, or were previously occupied by
33 tenants if those dwelling units were withdrawn from rent or lease
34 in accordance with Chapter 12.75 (commencing with Section 7060)
35 of Division 7 of Title 1 and subsequently offered for sale by the
36 subdivider or subsequent owner of the property.

37 (3) Any units for which a developer provides relocation
38 assistance or a right of first refusal pursuant to subparagraph (D)
39 of paragraph (1) shall be considered in determining whether the
40 housing development project satisfies the requirements, if

1 applicable, of an inclusionary housing ordinance of the affected
2 county or affected city requiring that the development include a
3 certain number of units affordable at the applicable household
4 income levels of the household.

5 (f) The Department of Housing and Community Development
6 shall determine those cities and counties in this state that are
7 affected cities and affected counties, in accordance with subdivision
8 (a), by June 30, 2020. The department's determination shall remain
9 valid until January 1, 2025.

10 (g) (1) Except as provided in paragraphs (3) and (4) and in
11 subdivision (h), this section shall prevail over any conflicting
12 provision of this title or other law regulating housing development
13 in this state to the extent that this section more fully advances the
14 intent specified in paragraph (2).

15 (2) It is the intent of the Legislature that this section be construed
16 so as to maximize the development of housing within this state.
17 Any exception to the requirements of this section, including an
18 exception for the health and safety of occupants of a housing
19 development project, shall be construed narrowly.

20 (3) This section shall not be construed as prohibiting planning
21 standards that allow greater density in or reduce the costs to a
22 housing development project or mitigation measures that are
23 necessary to comply with the California Environmental Quality
24 Act (Division 13 (commencing with Section 21000) of the Public
25 Resources Code).

26 (4) This section shall not apply to a housing development project
27 located within a very high fire hazard severity zone. For purposes
28 of this paragraph, "very high fire hazard severity zone" has the
29 same meaning as provided in Section 51177.

30 (h) (1) Nothing in this section supersedes, limits, or otherwise
31 modifies the requirements of, or the standards of review pursuant
32 to, Division 13 (commencing with Section 21000) of the Public
33 Resources Code.

34 (2) Nothing in this section supersedes, limits, or otherwise
35 modifies the requirements of the California Coastal Act of 1976
36 (Division 20 (commencing with Section 30000) of the Public
37 Resources Code).

38 (i) This section shall remain in effect only until January 1,
39 2025, and as of that date is repealed.

SEC. 6. Section 65913.10 is added to the Government Code, to read:

65913.10. (a) For purposes of any state or local law, ordinance, or regulation that requires the city or county to determine whether the site of a proposed housing development project is a historic site, the city or county shall make that determination at the time the application for the housing development project is deemed complete. A determination as to whether a parcel of property is a historic site shall remain valid during the pendency of the housing development project for which the application was ~~made~~: *made unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.*

(b) For purposes of this section:

(1) “Deemed complete” means that the application has met all of the requirements specified in the relevant list compiled pursuant to Section 65940 that was available at the time when the application was submitted.

(2) “Housing development project” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(c) (1) Nothing in this section supersedes, limits, or otherwise modifies the requirements of, or the standards of review pursuant to, Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) Nothing in this section supersedes, limits, or otherwise modifies the requirements of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(d) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 7. Section 65941.1 is added to the Government Code, to read:

65941.1. (a) A housing development project, as defined in paragraph (2) of subdivision (h) of Section 65589.5, shall be deemed to have submitted a preliminary application upon providing *all of* the following information about the proposed project to the city, county, or city and county from which approval for the project is being ~~sought~~: *sought and upon payment of the permit processing fee:*

- 1 (1) ~~The specific location.~~ *location, including parcel numbers,*
2 *a legal description, and site address, if applicable.*
- 3 (2) *The existing uses on the project site and identification of*
4 *major physical alterations to the property on which the project is*
5 *to be located.*
- 6 (3) ~~A site-plan~~ *plan showing the location on the property, as*
7 ~~well as elevations showing design, color, and material,~~ *and the*
8 *massing, height, and approximate square footage, of each building*
9 *that is to be occupied.*
- 10 (4) *The proposed land uses by number of units or and square*
11 *feet of residential and nonresidential development using the*
12 *categories in the applicable zoning ordinance.*
- 13 (5) *The proposed number of parking spaces.*
- 14 (6) *Any proposed point sources of air or water pollutants.*
- 15 (7) *Any species of special concern known to occur on the*
16 *property.*
- 17 (8) *Any portion of the property located within any of the*
18 *following:*
 - 19 (A) *A very high fire hazard severity zone, as determined by the*
20 *Department of Forestry and Fire Protection pursuant to Section*
21 *51178.*
 - 22 (B) *Wetlands, as defined in the United States Fish and Wildlife*
23 *Service Manual, Part 660 FW 2 (June 21, 1993).*
 - 24 (C) *A hazardous waste site that is listed pursuant to Section*
25 *65962.5 or a hazardous waste site designated by the Department*
26 *of Toxic Substances Control pursuant to Section 25356 of the*
27 *Health and Safety Code.*
 - 28 (D) *A special flood hazard area subject to inundation by the 1*
29 *percent annual chance flood (100-year flood) as determined by*
30 *the Federal Emergency Management Agency in any official maps*
31 *published by the Federal Emergency Management Agency.*
 - 32 (E) *A delineated earthquake fault zone as determined by the*
33 *State Geologist in any official maps published by the State*
34 *Geologist, unless the development complies with applicable seismic*
35 *protection building code standards adopted by the California*
36 *Building Standards Commission under the California Building*
37 *Standards Law (Part 2.5 (commencing with Section 18901) of*
38 *Division 13 of the Health and Safety Code), and by any local*
39 *building department under Chapter 12.2 (commencing with Section*
40 *8875) of Division 1 of Title 2.*

(8)

(9) Any historic or cultural resources known to exist on the property.

(9)

(10) The number of *proposed* below market rate units and their affordability levels.

(11) *The number of bonus units and any incentives, concessions, waivers, or parking reductions requested pursuant to Section 65915.*

(12) *Whether any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a tentative map, or a condominium map, are being requested.*

(13) *The applicant's contact information and, if the applicant does not own the property, consent from the property owner to submit the application.*

(b) ~~The~~ (1) *Each local agency shall compile a checklist and application form that applicants for housing development projects may use for the purpose of satisfying the requirements for submittal of a preliminary application.*

(2) *The Department of Housing and Community Development shall adopt a standardized form that applicants for housing development projects may use for the purpose of satisfying the requirements for submittal of a preliminary application. application if a local agency has not developed its own application form pursuant to paragraph (1). Adoption of the standardized form shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.*

(3) *A checklist or form shall not require or request any information beyond that expressly identified in subdivision (a).*

(c) ~~After submittal of a preliminary application,~~ *all of the information required by subdivision (a), if the development proponent revises the project such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, the housing development project shall not be deemed to have submitted a preliminary application that satisfies this section until the development proponent resubmits the information required by subdivision (a) so that it reflects the revisions. For purposes of this subdivision, "square footage of construction" means the building*

1 area, as defined by the California Building Standards Code (Title
2 24 of the California Code of Regulations).

3 *(d) (1) Within 180 calendar days after submitting a preliminary*
4 *application to a city, county, or city and county, the development*
5 *proponent shall submit an application for a development project*
6 *that includes all of the information required to process the*
7 *development application consistent with Sections 65940, 65941,*
8 *and 65941.5.*

9 *(2) If the public agency determines that the application for the*
10 *development project is not complete pursuant to Section 65943,*
11 *the development proponent shall submit the specific information*
12 *needed to complete the application within 90 days of receiving the*
13 *agency's written identification of the necessary information. If the*
14 *development proponent does not submit this information within*
15 *the 90-day period, then the preliminary application shall expire*
16 *and have no further force or effect.*

17 *(3) This section shall not require an affirmative determination*
18 *by a city, county, or city and county regarding the completeness*
19 *of a preliminary application or a development application for*
20 *purposes of compliance with this section.*

21 ~~(d)~~

22 *(e) This section shall remain in effect only until January 1, 2025,*
23 *and as of that date is repealed.*

24 SEC. 8. Section 65943 of the Government Code is amended
25 to read:

26 65943. (a) Not later than 30 calendar days after any public
27 agency has received an application for a development project, the
28 agency shall determine in writing whether the application is
29 complete and shall immediately transmit the determination to the
30 applicant for the development project. If the application is
31 determined to be incomplete, the lead agency shall provide the
32 applicant with an exhaustive list of items that were not complete.
33 That list shall be limited to those items actually required on the
34 lead agency's submittal requirement checklist. In any subsequent
35 review of the application determined to be incomplete, the local
36 agency shall not request the applicant to provide any new
37 information that was not stated in the initial list of items that were
38 not complete. If the written determination is not made within 30
39 days after receipt of the application, and the application includes
40 a statement that it is an application for a development permit, the

1 application shall be deemed complete for purposes of this chapter.
 2 Upon receipt of any resubmittal of the application, a new 30-day
 3 period shall begin, during which the public agency shall determine
 4 the completeness of the application. If the application is determined
 5 not to be complete, the agency's determination shall specify those
 6 parts of the application which are incomplete and shall indicate
 7 the manner in which they can be made complete, including a list
 8 and thorough description of the specific information needed to
 9 complete the application. The applicant shall submit materials to
 10 the public agency in response to the list and description.

11 (b) Not later than 30 calendar days after receipt of the submitted
 12 materials described in subdivision (a), the public agency shall
 13 determine in writing whether the application as supplemented or
 14 amended by the submitted materials is complete and shall
 15 immediately transmit that determination to the applicant. In making
 16 this determination, the public agency is limited to determining
 17 whether the application as supplemented or amended includes the
 18 information required by the list and a thorough description of the
 19 specific information needed to complete the application required
 20 by subdivision (a). If the written determination is not made within
 21 that 30-day period, the application together with the submitted
 22 materials shall be deemed complete for purposes of this chapter.

23 (c) If the application together with the submitted materials are
 24 determined not to be complete pursuant to subdivision (b), the
 25 public agency shall provide a process for the applicant to appeal
 26 that decision in writing to the governing body of the agency or, if
 27 there is no governing body, to the director of the agency, as
 28 provided by that agency. A city or county shall provide that the
 29 right of appeal is to the governing body or, at their option, the
 30 planning commission, or both.

31 There shall be a final written determination by the agency on
 32 the appeal not later than 60 calendar days after receipt of the
 33 applicant's written appeal. The fact that an appeal is permitted to
 34 both the planning commission and to the governing body does not
 35 extend the 60-day period. Notwithstanding a decision pursuant to
 36 subdivision (b) that the application and submitted materials are
 37 not complete, if the final written determination on the appeal is
 38 not made within that 60-day period, the application with the
 39 submitted materials shall be deemed complete for the purposes of
 40 this chapter.

1 (d) Nothing in this section precludes an applicant and a public
2 agency from mutually agreeing to an extension of any time limit
3 provided by this section.

4 (e) A public agency may charge applicants a fee not to exceed
5 the amount reasonably necessary to provide the service required
6 by this section. If a fee is charged pursuant to this section, the fee
7 shall be collected as part of the application fee charged for the
8 development permit.

9 (f) Each city and each county shall make copies of any list
10 compiled pursuant to Section 65940 with respect to information
11 required from an applicant for a housing development project, as
12 that term is defined in paragraph (2) of subdivision (h) of Section
13 65589.5, available both (1) in writing to those persons to whom
14 the agency is required to make information available under
15 subdivision (a) of that section, and (2) publicly available on the
16 internet website of the city or county.

17 (g) This section shall remain in effect only until January 1, 2025,
18 and as of that date is repealed.

19 SEC. 9. Section 65943 is added to the Government Code, to
20 read:

21 65943. (a) Not later than 30 calendar days after any public
22 agency has received an application for a development project, the
23 agency shall determine in writing whether the application is
24 complete and shall immediately transmit the determination to the
25 applicant for the development project. If the written determination
26 is not made within 30 days after receipt of the application, and the
27 application includes a statement that it is an application for a
28 development permit, the application shall be deemed complete for
29 purposes of this chapter. Upon receipt of any resubmittal of the
30 application, a new 30-day period shall begin, during which the
31 public agency shall determine the completeness of the application.
32 If the application is determined not to be complete, the agency's
33 determination shall specify those parts of the application which
34 are incomplete and shall indicate the manner in which they can be
35 made complete, including a list and thorough description of the
36 specific information needed to complete the application. The
37 applicant shall submit materials to the public agency in response
38 to the list and description.

39 (b) Not later than 30 calendar days after receipt of the submitted
40 materials, the public agency shall determine in writing whether

they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete for purposes of this chapter.

(c) If the application together with the submitted materials are determined not to be complete pursuant to subdivision (b), the public agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both.

There shall be a final written determination by the agency on the appeal not later than 60 calendar days after receipt of the applicant's written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-day period. Notwithstanding a decision pursuant to subdivision (b) that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 60-day period, the application with the submitted materials shall be deemed complete for the purposes of this chapter.

(d) Nothing in this section precludes an applicant and a public agency from mutually agreeing to an extension of any time limit provided by this section.

(e) A public agency may charge applicants a fee not to exceed the amount reasonably necessary to provide the service required by this section. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

(f) This section shall become operative on January 1, 2025.

SEC. 10. Section 65950 of the Government Code is amended to read:

65950. (a) A public agency that is the lead agency for a development project shall approve or disapprove the project within whichever of the following periods is applicable:

(1) One hundred eighty days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for the development project.

1 (2) Ninety days from the date of certification by the lead agency
2 of the environmental impact report, if an environmental impact
3 report is prepared pursuant to Section 21100 or 21151 of the Public
4 Resources Code for a development project defined in subdivision
5 (c).

6 (3) Sixty days from the date of certification by the lead agency
7 of the environmental impact report, if an environmental impact
8 report is prepared pursuant to Section 21100 or 21151 of the Public
9 Resources Code for a development project defined in subdivision
10 (c) and all of the following conditions are met:

11 (A) At least 49 percent of the units in the development project
12 are affordable to very low or low-income households, as defined
13 by Sections 50105 and 50079.5 of the Health and Safety Code,
14 respectively. Rents for the lower income units shall be set at an
15 affordable rent, as that term is defined in Section 50053 of the
16 Health and Safety Code, for at least 30 years. Owner-occupied
17 units shall be available at an affordable housing cost, as that term
18 is defined in Section 50052.5 of the Health and Safety Code.

19 (B) Prior to the application being deemed complete for the
20 development project pursuant to Article 3 (commencing with
21 Section 65940), the lead agency received written notice from the
22 project applicant that an application has been made or will be made
23 for an allocation or commitment of financing, tax credits, bond
24 authority, or other financial assistance from a public agency or
25 federal agency, and the notice specifies the financial assistance
26 that has been applied for or will be applied for and the deadline
27 for application for that assistance, the requirement that one of the
28 approvals of the development project by the lead agency is a
29 prerequisite to the application for or approval of the application
30 for financial assistance, and that the financial assistance is
31 necessary for the project to be affordable as required pursuant to
32 subparagraph (A).

33 (C) There is confirmation that the application has been made
34 to the public agency or federal agency prior to certification of the
35 environmental impact report.

36 (4) Sixty days from the date of adoption by the lead agency of
37 the negative declaration, if a negative declaration is completed and
38 adopted for the development project.

39 (5) Sixty days from the determination by the lead agency that
40 the project is exempt from the California Environmental Quality

Act (Division 13 (commencing with Section 21000) of the Public Resources Code), if the project is exempt from that act.

(b) This section does not preclude a project applicant and a public agency from mutually agreeing in writing to an extension of any time limit provided by this section pursuant to Section 65957.

(c) For purposes of paragraphs (2) and (3) of subdivision (a) and Section 65952, “development project” means a housing development project, as that term is defined in paragraph (2) of subdivision (h) of Section 65589.5.

(d) For purposes of this section, “lead agency” and “negative declaration” have the same meaning as defined in Sections 21067 and 21064 of the Public Resources Code, respectively.

(e) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 11. Section 65950 is added to the Government Code, to read:

65950. (a) A public agency that is the lead agency for a development project shall approve or disapprove the project within whichever of the following periods is applicable:

(1) One hundred eighty days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for the development project.

(2) One hundred twenty days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for a development project defined in subdivision (c).

(3) Ninety days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for a development project defined in subdivision (c) and all of the following conditions are met:

(A) At least 49 percent of the units in the development project are affordable to very low or low-income households, as defined by Sections 50105 and 50079.5 of the Health and Safety Code, respectively. Rents for the lower income units shall be set at an affordable rent, as that term is defined in Section 50053 of the Health and Safety Code, for at least 30 years. Owner-occupied

1 units shall be available at an affordable housing cost, as that term
2 is defined in Section 50052.5 of the Health and Safety Code.

3 (B) Prior to the application being deemed complete for the
4 development project pursuant to Article 3 (commencing with
5 Section 65940), the lead agency received written notice from the
6 project applicant that an application has been made or will be made
7 for an allocation or commitment of financing, tax credits, bond
8 authority, or other financial assistance from a public agency or
9 federal agency, and the notice specifies the financial assistance
10 that has been applied for or will be applied for and the deadline
11 for application for that assistance, the requirement that one of the
12 approvals of the development project by the lead agency is a
13 prerequisite to the application for or approval of the application
14 for financial assistance, and that the financial assistance is
15 necessary for the project to be affordable as required pursuant to
16 subparagraph (A).

17 (C) There is confirmation that the application has been made
18 to the public agency or federal agency prior to certification of the
19 environmental impact report.

20 (4) Sixty days from the date of adoption by the lead agency of
21 the negative declaration, if a negative declaration is completed and
22 adopted for the development project.

23 (5) Sixty days from the determination by the lead agency that
24 the project is exempt from the California Environmental Quality
25 Act (Division 13 (commencing with Section 21000) of the Public
26 Resources Code), if the project is exempt from that act.

27 (b) This section does not preclude a project applicant and a
28 public agency from mutually agreeing in writing to an extension
29 of any time limit provided by this section pursuant to Section
30 65957.

31 (c) For purposes of paragraphs (2) and (3) of subdivision (a)
32 and Section 65952, “development project” means a use consisting
33 of either of the following:

34 (1) Residential units only.

35 (2) Mixed-use developments consisting of residential and
36 nonresidential uses in which the nonresidential uses are less than
37 50 percent of the total square footage of the development and are
38 limited to neighborhood commercial uses and to the first floor of
39 buildings that are two or more stories. As used in this paragraph,
40 “neighborhood commercial” means small-scale general or specialty

stores that furnish goods and services primarily to residents of the neighborhood.

(d) For purposes of this section, “lead agency” and “negative declaration” have the same meaning as defined in Sections 21067 and 21064 of the Public Resources Code, respectively.

(e) This section shall become operative on January 1, 2025.

SEC. 12. Section 65950.2 is added to the Government Code, to read:

65950.2. (a) Notwithstanding any other law, the deadlines specified in this article are mandatory.

(b) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 13. Chapter 12 (commencing with Section 66300) is added to Division 1 of Title 7 of the Government Code, to read:

CHAPTER 12. HOUSING CRISIS ACT OF 2019

66300. (a) As used in this section:

(1) (A) Except as otherwise provided in subparagraph (B), “affected city” means a city, including a charter city, for which the Department of Housing and Community Development determines, pursuant to subdivision (d), that the average of both of the following amounts is greater than zero:

(i) The percentage by which the city’s average rate of rent ~~exceeded~~ *differed from* 130 percent of the national median rent in 2017, based on the federal ~~2013–2017~~ *2013–2017* American Community Survey 5-year Estimates.

(ii) The percentage by which the vacancy rate for residential rental units ~~is less than~~ *differed from* the national vacancy rate, based on the federal 2013–2017 American Community Survey 5-year Estimates.

(B) Notwithstanding subparagraph (A), “affected city” does not include any city that has a population of 5,000 or less and is not located within an urban core.

(2) “Affected county” means a county in which at least 50 percent of the cities located within the territorial boundaries of the county are affected cities.

(3) Notwithstanding any other law, “affected county” and “affected city” includes the electorate of an affected county or city exercising its local initiative or referendum power, whether that

1 power is derived from the California Constitution, statute, or the
2 charter or ordinances of the affected county or city.

3 (4) “Department” means the Department of Housing and
4 Community Development.

5 (5) “Development policy, standard, or condition” means any of
6 the following:

7 (A) A provision of, or amendment to, a general plan.

8 (B) A provision of, or amendment to, a specific plan.

9 (C) A provision of, or amendment to, a zoning ordinance.

10 (D) A subdivision standard or criterion.

11 (6) “Housing development project” has the same meaning as
12 defined in paragraph (2) of subdivision (h) of Section 65589.5.

13 (7) “Objective design standard” means a design standard that
14 involve no personal or subjective judgment by a public official
15 and is uniformly verifiable by reference to an external and uniform
16 benchmark or criterion available and knowable by both the
17 development applicant or proponent and the public official before
18 submittal of an application.

19 (b) (1) Notwithstanding any other law, with respect to land
20 where housing is an allowable use on or after January 1, 2018, an
21 affected county or an affected city shall not enact a development
22 ~~police~~, *policy*, standard, or condition that would have any of the
23 following effects:

24 (A) Changing the general plan land use designation, specific
25 plan land use designation, or zoning of a parcel or parcels of
26 property to a less intensive use or reducing the intensity of land
27 use within an existing general plan land use designation, specific
28 plan land use designation, or zoning district below what was
29 allowed under the land use designation and zoning ordinances of
30 the affected county or affected city, as applicable, as in effect on
31 January 1, 2018, except as otherwise provided in clause (ii) of
32 subparagraph (B). For purposes of this subparagraph, “less
33 intensive use” includes, but is not limited to, reductions to height,
34 density, or floor area ratio, new or increased open space or lot size
35 requirements, or new or increased setback requirements, minimum
36 frontage requirements, or maximum lot coverage limitations, or
37 anything that would lessen the intensity of housing, as defined in
38 paragraph (1) of subdivision (f).

39 (B) (i) Imposing a moratorium or similar restriction or limitation
40 on housing development, including mixed-use development, within

1 all or a portion of the jurisdiction of the affected county or city,
2 other than to specifically protect against an imminent threat to the
3 health and safety of persons residing in, or within the immediate
4 vicinity of, the area subject to the moratorium or for projects
5 specifically identified as existing restricted affordable housing.

6 (ii) The affected county or affected city, as applicable, shall not
7 enforce a zoning ordinance imposing a moratorium or other similar
8 restriction on or limitation of housing development until it has
9 submitted the ordinance to, and received approval from, the
10 department. The department shall approve a zoning ordinance
11 submitted to it pursuant to this subparagraph only if it determines
12 that the zoning ordinance satisfies the requirements of this
13 subparagraph. If the department denies approval of a zoning
14 ordinance imposing a moratorium or similar restriction or limitation
15 on housing development as inconsistent with this subparagraph,
16 that ordinance shall be deemed void.

17 (C) Imposing or enforcing design standards established on or
18 after January 1, 2018, that are not objective design standards.

19 (D) Except as provided in subparagraph (E), establishing or
20 implementing any provision that:

21 (i) Limits the number of land use approvals or permits necessary
22 for the approval and construction of housing that will be issued or
23 allocated within all or a portion of the affected county or affected
24 city, as applicable.

25 (ii) Acts as a cap on the number of housing units that can be
26 approved or constructed either annually or for some other time
27 period.

28 (iii) Limits the population of the affected county or affected
29 city, as applicable.

30 (E) Notwithstanding subparagraph (D), an affected city or
31 county may enforce a limit on the number of approvals or permits
32 or a cap on the number of housing units that can be approved or
33 constructed if the provision of law imposing the limit was approved
34 by voters prior to January 1, 2005, and the affected city or county
35 is located in a predominantly agricultural county. For the purposes
36 of this subparagraph, “predominantly agricultural county” means
37 a county that meets both of the following, as determined by the
38 most recent California Farmland Conversion Report produced by
39 the Department of Conservation:

40 (i) Has more than 550,000 acres of agricultural land.

1 (ii) At least one-half of the county area is agricultural land.

2 (2) Any development policy, standard, or condition enacted on
3 or after January 1, 2018, that does not comply with this section
4 shall be deemed void.

5 (c) Notwithstanding subdivisions (b) and (e), an affected county
6 or affected city may enact a development policy, standard, or
7 condition to prohibit the commercial use of land that is designated
8 for residential use, including, but not limited to, short-term
9 occupancy of a residence, consistent with the authority conferred
10 on the county or city by other law.

11 (d) The Department of Housing and Community Development
12 shall determine those cities and counties in this state that are
13 affected cities and affected counties, in accordance with subdivision
14 (a) by June 30, 2020. The department's determination shall remain
15 valid until January 1, 2025.

16 (e) (1) Except as provided in paragraphs (3) and (4) and in
17 subdivision (g), this section shall prevail over any conflicting
18 provision of this title or other law regulating housing development
19 in this state to the extent that this section more fully advances the
20 intent specified in paragraph (2).

21 (2) It is the intent of the Legislature that this section be broadly
22 construed so as to maximize the development of housing within
23 this state. Any exception to the requirements of this section,
24 including an exception for the health and safety of occupants of a
25 housing development project, shall be construed narrowly.

26 (3) This section shall not be construed as prohibiting the
27 adoption or amendment of a development policy, standard, or
28 condition in a manner that:

29 (A) Allows greater density.

30 (B) Facilitates the development of housing.

31 (C) Reduces the costs to a housing development project.

32 (D) Imposes or implements mitigation measures as necessary
33 to comply with the California Environmental Quality Act (Division
34 13 (commencing with Section 21000) of the Public Resources
35 Code).

36 (4) This section shall not apply to a housing development project
37 located within a very high fire hazard severity zone. For purposes
38 of this paragraph, "very high fire hazard severity zone" has the
39 same meaning as provided in Section 51177.

(f) (1) Notwithstanding Section 9215, 9217, or 9323 of the Elections Code or any other provision of law, except the California Constitution and as provided in paragraph (2), any requirement that local voter approval, or the approval of a supermajority of any body of the affected county or the affected city, be obtained to increase the allowable intensity of housing, to establish housing as an allowable use, or to provide services and infrastructure necessary to develop housing, is hereby declared against public policy and void. For purposes of this subdivision, “intensity of housing” is broadly defined to include, but is not limited to, height, density, or floor area ratio, or open space or lot size requirements, or setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or anything that would be a less intensive use or reduction in the intensity of land use as defined in this subdivision.

(2) This section shall not be construed to void a height limit, urban growth boundary, or urban limit established by the electorate of an affected county or an affected city on or before January 1, 2018.

(g) (1) Nothing in this section supersedes, limits, or otherwise modifies the requirements of, or the standards of review pursuant to, Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) Nothing in this section supersedes, limits, or otherwise modifies the requirements of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(h) This section does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance to a less intensive use if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity.

66301. This chapter shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 14. Section 17980.12 is added to the Health and Safety Code, to read:

17980.12. (a) As used in this section, “occupied substandard building or unit” means a building or unit in which one or more persons reside that an enforcement agency finds is in violation of

1 any provision of this part, any building standards published in the
2 California Building Standards Code, or any other rule or regulation
3 adopted pursuant to this part.

4 (b) (1) An enforcement agency that issues to an owner of an
5 occupied substandard building or unit in a zone where residential
6 use is a permitted use, including areas zoned for mixed use, a notice
7 to correct a violation of any provision of any building standard
8 adopted pursuant to this part, or to abate a nuisance pursuant to
9 this part, shall include in that notice a statement that the owner of
10 the occupied substandard building or unit has the right to request
11 a delay in enforcement of up to seven years.

12 (2) The owner of an occupied substandard building or unit that
13 receives a notice to correct a violation or abate a nuisance, as
14 described in paragraph (1), may submit an application to the
15 enforcement agency, in the form and manner prescribed by the
16 enforcement agency, requesting that the enforcement of the
17 violation be delayed for up to seven years on the basis that
18 correcting the violation or abating the nuisance is not necessary
19 to protect health and safety.

20 (3) The enforcement agency ~~shall~~ *may* grant an application
21 submitted pursuant to paragraph (2) and delay enforcement if it
22 determines that correcting the violation or abating the nuisance is
23 not necessary to protect health and safety. An enforcement agency
24 may require violations or nuisances that impact health and safety
25 to be corrected or abated earlier than seven years.

26 (c) This section shall remain in effect only until January 1, 2025,
27 and as of that date is repealed.

28 SEC. 15. The Legislature finds and declares that the provision
29 of adequate housing, in light of the severe shortage of housing at
30 all income levels in this state, is a matter of statewide concern and
31 is not a municipal affair as that term is used in Section 5 of Article
32 XI of the California Constitution. Therefore, the provisions of this
33 act apply to all cities, including charter cities.

34 SEC. 16. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution for certain
36 costs that may be incurred by a local agency or school district
37 because, in that regard, this act creates a new crime or infraction,
38 eliminates a crime or infraction, or changes the penalty for a crime
39 or infraction, within the meaning of Section 17556 of the
40 Government Code, or changes the definition of a crime within the

1 meaning of Section 6 of Article XIII B of the California
2 Constitution.

3 However, if the Commission on State Mandates determines that
4 this act contains other costs mandated by the state, reimbursement
5 to local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

8 SEC. 17. The provisions of this act are severable. If any
9 provision of this act or its application is held invalid, that invalidity
10 shall not affect other provisions or applications that can be given
11 effect without the invalid provision or application.

O



CITY COUNCIL REPORT

8A

DATE: JULY 2, 2019

TO: MAYOR AND COUNCIL MEMBERS

FROM: ERIC S. CASHER, CITY ATTORNEY

**SUBJECT: INTRODUCTION AND FIRST READING OF AN ORDINANCE OF
THE CITY OF PINOLE ADDING CHAPTER 15.60 TO THE
MUNICIPAL CODE FOR MANAGEMENT OF PCBs DURING
BUILDING DEMOLITION PROJECTS**

RECOMMENDATION

It is recommended that the City Council of the City of Pinole introduce and conduct a first reading of an Ordinance adding Chapter 15.60 to the Municipal Code for management of PCBs during building demolition projects.

BACKGROUND

The purpose of this ordinance is to implement urban water runoff requirements to reduce PCBs entering the water systems of the Bay. PCBs have been detected in elevated levels in certain fish within the San Francisco Bay (Bay). Some PCBs contain toxic compounds that are often carried into the Bay by rain and contaminated soil. The toxic compounds bioaccumulate in fat, exposing humans to these compounds through consumption of fish. Urban stormwater runoff is considered a significant pathway for PCBs into the Bay. Targeting PCBs will address the contaminants entering the Bay through the City's stormwater system. Accordingly, regulatory agencies are requiring San Francisco Bay Area (Bay Area) municipalities to address sources of PCBs in stormwater runoff discharged to the Bay through stormwater systems. This regulation targets selected Priority Building Materials that may contain relatively high levels of PCBs, especially in buildings constructed or remodeled from January 1, 1950 to December 31, 1980.

During demolition, PCBs-containing Building Material in buildings may be released to the environment and transported to the Bay by stormwater runoff. The Priority Building Materials are caulking, thermal/fiberglass insulation, adhesive/mastic, and rubber window gaskets. These materials were identified in an initial review conducted to identify the full list of known PCBs-containing building materials. The materials were prioritized by developing a six (6) factor list relating to the load or mass of PCBs contained in the materials, the likelihood that the materials would

enter stormwater during the demolition process, and the relative difficulty to remove the material from the building.

Water quality in the San Francisco Bay Region (Bay Region) is regulated by the Regional Water Board. The Region encompasses portions of Alameda, Contra Costa, Marin, Napa, Santa Clara, San Francisco, San Mateo, Solano, and Sonoma Counties. The Regional Water Board has developed Total Maximum Daily Loads (TMDLs), requiring a reduced amount of PCBs draining into the Bay. The PCBs TMDL estimates that twenty (20) kilograms per year (kg/year) of PCBs enters the Bay in stormwater runoff, and requires this input be reduced to two (2) kg/year, a 90% reduction.

In 2015 the Regional Water Board reissued the Municipal Regional Permit (MRP), a National Pollutant Discharge Elimination System (NPDES) permit that regulates discharges of stormwater runoff from municipal stormwater systems. The MRP contains provisions implementing the PCBs TMDL requirements regarding discharges of PCBs through stormwater into the Bay. This includes Provision C.12.f., which requires Permittees to develop programs to manage PCBs-containing materials exposed to the environment during building demolition.

Remodeling, partial building, wood framed structure, and single-family residence demolition projects are exempt. The MRP requires that these new programs are adopted and implemented in July 2019.

DISCUSSION

The City is required by the MRP to reduce PCBs discharges in stormwater runoff. This Ordinance targets Priority Building Materials that may contain relatively high levels of PCBs, specifically buildings constructed between 1950 and 1980. The Priority Building Materials are caulking, thermal/fiberglass insulation, adhesive/mastic, and rubber window gaskets. It is recommended that these Priority Building Materials are regulated during demolition of buildings to prevent the materials and associated PCBs from potentially being released to the environment and transported to the Bay by stormwater runoff.

This Ordinance requires the City to implement an assessment process for PCBs in Building Materials. It requires the City notify demolition permit applicants about the requirement to conduct a PCBs in Priority Building Materials Screening Assessment.

The PCBs in Priority Building Materials Screening Assessment is a two-step process to determine whether (1) the building proposed for demolition is high priority for PCBs-containing Building Materials based on the structure age, use, and construction type; and if so, (2) demonstrate the presence or absence and concentration of PCBs in Priority Building Materials through existing information and/or representative sampling and chemical analysis. A building must first receive

a determination of whether it is an applicable structure. It is anticipated that many projects will not involve the demolition of applicable structures. Demolition permit applicants for projects that do not involve applicable structures will only need to address initial screening questions and certify the answers.

Applicants for building demolition permits should follow the directions in the PCBs in the Priority Building Materials Screening Assessment Applicant Package (Applicant Package), provided by the Building Department upon an application for a demolition permit. The Applicant Package and screening assessment form will also be required as a Water Quality Control Program standard Condition of Approval (COA) through the plan review process. The Applicant Package contains an overview of the process, Applicant instructions, a process flow chart, a screening assessment form, and the Protocol for Assessing Priority PCBs-Containing Materials before Building Demolition. Per the Applicant Package, for certain types of buildings built between 1950 and 1980, the Applicant must conduct further assessment to determine whether or not PCBs are present at concentrations equal to or greater than fifty (50) ppm. This determination is made with existing data if available, or by conducting representative sampling of the Priority Building Materials and analyzing the samples for PCBs at a certified laboratory. Any representative sampling and analysis must be conducted in accordance with the Protocol for Assessing Priority PCBs-Containing Materials before Building Demolition. More details are contained in the Applicant Package.

When the Screening Assessment identifies one or more Priority Building Materials containing PCBs, the Applicant must comply with all related applicable federal and state laws, including potential notification to the appropriate regulatory agencies such as the U.S. Environmental Protection Agency (USEPA), the Regional Water Board, and/or the Department of Toxic Substance Control. Contacts for the regulatory agencies are provided in the Applicant Package. Additional sampling for and abatement of PCBs may be required. Depending on the method of sampling and removing building materials containing PCBs, the Applicant may need to notify or seek advance approval from USEPA before building demolition. Even in circumstances where advance notification to or approval from USEPA is not required before demolition, the disposal of PCBs waste is regulated under Toxic Substances Control Act (TSCA). Additionally, the disposal of PCBs waste is subject to California Code of Regulations (CCR) Title 22 Section 66262. Additional information is provided in the Applicant Package.

This Ordinance and associated programs have been developed through a collaboration between the Building Division and the City Attorney's Office. The City's Building Division will act as the first point of contact, providing the Applicant Package, and the Development Services Department will receive, review, document, and maintain program compliance with the information received by the Applicant.

The focus of this regulation is to prevent PCBs runoff to protect water quality. The Ordinance does not:

- Ask for municipal oversight or enforcement of human health protection standards.
- Ask for municipal oversight of PCBs abatement or remediation of materials or lands contaminated by PCBs.
- Establish remediation standards.

At all demolition sites, routine construction controls, including erosion and sediment controls, should be implemented per the requirements of the MRP and the statewide Construction General Permit issued by the California State Water Resources Control Board.

CEQA COMPLIANCE

Adoption of the Ordinance is exempt from environmental review under California Environmental Quality Act (CEQA) exemption Section 15308, Actions by Regulatory Agencies for Protection of the Environment. This exemption provision applies to actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment as discussed above. No unacceptable negative impacts have been identified.

FISCAL IMPACT

There is no direct fiscal impact related to adoption of this ordinance, however, there will be staff costs associated with enforcement of the new process.

ATTACHMENT(S):

A: Ordinance

IN THE CITY COUNCIL OF THE CITY OF PINOLE

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY OF PINOLE ADDING CHAPTER 15.60 TO THE
MUNICIPAL CODE FOR MANAGEMENT OF PCBs DURING BUILDING
DEMOLITION PROJECTS

The City Council of the City of Pinole does ORDAIN as follows:

WHEREAS, polychlorinated biphenyls (“PCBs”) have been detected in elevated levels in fish and sediment in the San Francisco Bay making fish unsafe to eat; and

WHEREAS, urban runoff through municipal separate storm sewers systems (“MS4s”) is considered the most significant measurable pathway for PCBs into the Bay; and

WHEREAS, PCBs in certain priority building materials used in building construction projects between January 1, 1950 to December 31, 1980, have been found to have particularly high PCBs concentrations; and

WHEREAS, the San Francisco Bay Regional Water Quality Control Board adopted in 2015 the reissued Municipal Regional Permit (“MRP”), Order No. R2-2015-0049, updating the National Pollutant Discharge Elimination System (“NPDES”) permit that regulates discharges of stormwater runoff from MS4s; and

WHEREAS, the MRP requires the permittees, including the City of Pinole, to reduce discharges of PCBs in stormwater runoff into the San Francisco Bay; and

WHEREAS, the MRP requires permittees, including the City of Pinole, to develop and implement new programs to manage PCBs-containing building materials during demolition; and

WHEREAS, the MRP specifically requires permittees to require that demolition permits for buildings built between January 1, 1950 to December 31, 1980, be screened for PCBs-containing building materials; and

WHEREAS, remodeling, partial building, wood framed structure, and single-family residence demolition projects are exempt from the screening for the presence of PCBs in priority building materials; and

WHEREAS, adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15308 of CEQA Guidelines, exempting actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment;

WHEREAS, the City Council desires to adopt an Ordinance in order to reduce PCBs in stormwater runoff originating in the City of Pinole.

BE IT FURTHER RESOLVED, that the City Council authorizes the Building Division to develop, implement, and promulgate regulations and procedures to create and manage the program, including conditions of approval, demolition permit requirements, and related forms.

BE IT FURTHER RESOLVED, that the Building Division will develop the appropriate permit fees and/or other cost recovery mechanisms, if determined necessary, for subsequent City Council approval and insertion into the City of Pinole's master fee schedule at a later date.

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

- 15.60.010. Intent and Purpose**
- 15.60.012. Definitions**
- 15.60.014. Applicability**
- 15.60.016. Exemptions**
- 15.60.018. PCBs in Priority Building Materials Screening Assessment**
- 15.60.020. Agency Notification, Abatement, and Disposal for Identified PCBs**
- 15.60.022. Compliance with California and Federal PCBs Laws and Regulations**
- 15.60.024. Information Submission and Applicant Certification**
- 15.60.026. Recordkeeping**
- 15.60.028. Obligation to Notify the City of Pinole of Changes**
- 15.60.030. Liability**
- 15.60.032. Enforcement**
- 15.60.034. Fees**
- 15.60.036. City of Pinole Projects**
- 15.60.038. Effective Date**

15.60.010. INTENT AND PURPOSE

The intent and purpose of this chapter is to require building demolition permit applicants (Applicants) to conduct testing for PCBs in the Priority Building Materials Screening Assessment and submit information documenting the results of the screening to the City. This chapter is also intended to inform Applicants with PCBs present in one or more of the Priority Building Materials (based on the above screening assessment) that they must comply with all related applicable federal and state laws including reporting to the U.S. Environmental Protection Agency (EPA), the San Francisco Bay Regional Water Quality Control Board (Regional Water Board), and/or the California Department of Toxic Substances Control (DTSC). Additional sampling for and abatement of PCBs may be required. This chapter is also intended to meet the requirements of the Federal Clean Water Act, the California Porter-Cologne Water Quality Control Act, and the Municipal Regional Stormwater Permit Order No. R2-2015-0049. The requirements of this ordinance do not replace or supplant the requirements of California or Federal law, including but not limited to the Toxic Substances Control Act, 40 Code of Federal Regulations (CFR) Part 761, and California Code of Regulations (CCR) Title 22.

15.60.012. DEFINITIONS

For the purpose of carrying out the intent of this chapter, the terms in this chapter shall have the meaning set forth below:

A. **APPLICABLE STRUCTURE.** Buildings constructed or remodeled from January 1, 1950 to December 31, 1980. Remodeling, partial building, wood framed structure, and single-family residence demolition projects are exempt.

B. **APPLICANT.** A person applying for a building demolition permit as required by this chapter.

C. **APPROPRIATE AUTHORITY.** The Building Division of the City of Pinole.

D. **BUILDING.** A structure with a roof and walls standing more or less permanently in one place. Buildings are intended from human habitation or occupancy.

E. **DEMOLITION.** The wrecking, razing, or tearing down of any structure. This definition is intended to be consistent with the demolition activities undertaken by contractors with a C-21 Building Moving/Demolition Contractor's License.

F. **DTSC.** The State of California Department of Toxic Substances Control.

G. **EPA.** The United States Environmental Protection Agency.

H. **PCB.** Polychlorinated biphenyls.

I. **PCBs IN PRIORITY BUILDING MATERIALS SCREENING ASSESSMENT.** The two-step process used to determine whether the building proposed for demolition is high priority for PCBs; and if so determine the concentrations (if any) of PCBs in Priority Building Materials revealed through existing information or representative sampling and chemical analysis of the Priority Building Materials in the building. Directions for this process are provided in the PCBs in the Priority Building Materials Screening Assessment Applicant Package.

J. **PRIORITY BUILDING MATERIALS.** The following:

a. Caulking: e.g., around windows and doors, at structure walkway interfaces, and in expansion joints;

b. Thermal/Fiberglass Insulation: e.g., around HVAC systems, around heaters, around boilers, around heated transfer piping, and inside walls or crawl spaces;

c. Adhesive/Mastic: e.g., below carpet and floor tiles, under roofing materials, and under flashing; and

d. Rubber Window Gaskets: e.g., used in lieu of caulking to seal around windows in steel-framed buildings.

K. *PRIORITY BUILDING MATERIALS SCREENING ASSESSMENT APPLICATION PACKAGE.* A document package that includes an overview of the screening process, Applicant instructions, a process flow chart, a screening assessment form, and the Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition (BASMAA 2018, prepared for the Bay Area Stormwater Management Agencies Association, August 2018).

L. *REGIONAL WATER BOARD.* The California Regional Water Quality Control Board, San Francisco Bay Region.

M. *REMODEL.* To make significant finish and/or structural changes that increase utility and appeal through complete replacement and/or expansion. A removed area reflects fundamental changes that include multiple alterations. These alterations may include some or all of the following: -replacement of a major component (cabinet(s), bathtub, or bathroom tile), relocation of plumbing/gas fixtures/appliances, significant structural alterations (relocating walls, and/or the addition of square footage).

15.60.014. APPLICABILITY

This Article applies to Applicants for buildings constructed or remodeled from January 1, 1950 to December 31, 1980.

15.60.016. EXEMPTIONS

Applications for remodeling, partial building, wood framed structure, and single-family residence demolition projects are exempt.

15.60.018. PCBs IN PRIORITY BUILDING MATERIALS SCREENING ASSESSMENT

Every Applicant for a building demolition permit shall conduct a PCBs in Priority Building Materials Screening Assessment, a two-step process used to:

1. Determine whether the building proposed for demolition is high priority for PCBs-containing building materials based on the structure age, use, and construction (i.e., whether the building is an Applicable Structure); and if so
2. Demonstrate the presence or absence and concentration of PCBs in Priority Building Materials through existing information or representative sampling and chemical analysis of the Priority Building Materials in the building.

Applicants shall follow the directions provided in the PCBs in Priority Building Materials Screening Assessment Applicant Package (Applicant Package), which includes an overview of the process, Applicant instructions, a process flow chart, a screening assessment form, and the

Protocol for Assessing Priority PCBs-Containing Materials before Building Demolition. Per the Applicant Package, for certain types of buildings built within a specified date range, the Applicant must conduct further assessment to determine whether or not PCBs are present at concentrations ≥ 50 ppm. This determination is made via existing data on specific product formulations (if available), or more likely, via conducting representative sampling of the priority building materials and analyzing the samples for PCBs at a certified analytical laboratory. Any representative sampling and analysis must be conducted in accordance with the Protocol for Assessing Priority PCBs-Containing Materials before Building Demolition. The Applicant Package provides additional details.

15.60.020. AGENCY NOTIFICATION, ABATEMENT, AND DISPOSAL FOR IDENTIFIED PCBs

When the PCBs in Priority Building Materials Screening Assessment identifies one or more Priority Building Materials with PCBs, the Applicant must comply with all related applicable Federal and California laws, including potential notification of the appropriate regulatory agencies, including EPA, the Regional Water Board, and/or the DTSC. Agency contacts are provided in the Applicant Package. Additional sampling for and abatement of PCBs may be required. Depending on the approach for sampling and removing building materials containing PCBs, the Applicant may need to notify or seek advance approval from USEPA before building demolition. Even in circumstances where advance notification to or approval from USEPA is not required before the demolition activity, the disposal of PCBs waste is regulated under Toxic Substances Control Act (TSCA). Additionally, the disposal of PCBs waste is subject to California Code of Regulations (CCR) Title 22 Section 66262. Additional information is provided in the Applicant Package.

15.60.020. COMPLIANCE WITH CALIFORNIA AND FEDERAL PCBs LAWS AND REGULATIONS

Applicants must comply with all Federal and California laws and regulations, including but not limited to health, safety, and environmental laws and regulations, that relate to management and cleanup of any and all PCBs, including but not limited to PCBs in Priority Building Materials, other PCBs-contaminated materials, PCBs-contaminated liquids, and PCBs waste.

15.60.024. INFORMATION SUBMISSION AND APPLICANT CERTIFICATION

The Applicant shall conduct a PCBs in Priority Building Materials Screening Assessment and submit the associated information and results as part of the building demolition permit application, including the following (see Applicant Package for more details):

1. Owner and project information, including location, year building was built, description of building construction type, and anticipated demolition date.
2. Determination of whether the building proposed for demolition is high priority for PCBs-containing building materials based on the structure age, use, and construction.

3. If high priority for PCBs-containing building materials based on the structure age, use, and construction, the concentration of PCBs in each Priority Building Materials is present. If PCBs concentrations are determined via representative sampling and analysis, include a contractor's report documenting the assessment which includes the completed QA/QC checklist from the Protocol for Assessing Priority PCBs-Containing Materials before Building Demolition and the analytical laboratory results.

4. For each Priority Building Material present with a PCBs concentration equal to or greater than 50 ppm, the approximate amount (linear feet or square feet) of that material in the building (see Applicant Package for more details).

5. Applicant's certification of the accuracy of the information submitted.

The Building Division may specify the format or provide guidance for the submission of the information.

15.60.026. RECORDKEEPING

Those Applicants conducting a building demolition project must maintain documentation of the results of the PCBs in Priority Building Materials Screening Assessment for a minimum of five (5) years after submittal.

15.60.028. OBLIGATION TO NOTIFY THE CITY OF PINOLE OF CHANGES

The Applicant shall submit written notifications documenting any changes in the information submitted in compliance with this Article. The Applicant shall submit the revised information to the Building Division when changes in project conditions affect the information submitted with the permit application.

15.60.030. LIABILITY

The Applicant is responsible for safely and legally complying with the requirements of this chapter. Neither the issuance of a permit under the requirements of this chapter, nor the compliance with the requirements of this chapter or with any condition imposed by the issuing authority, shall relieve any person from responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the City of Pinole for damages to persons or property.

15.60.032. ENFORCEMENT

Failure to submit the information required in this Article or submittal of false information will result in enforcement under Title 15, Chapter 15.02, Section 080.

15.60.034. FEES

In addition to the fees required under Title 15, Chapter 15.02, Section 060, all Applicants subject to this chapter shall deposit funds with the City of Pinole, and pay a fee sufficient to reimburse the City of Pinole's costs for staff time required to implement this chapter (i.e., to compensate specifically for municipal staff time related to implementing the program to manage PCBs-containing building materials during demolition in compliance with MRP Provision C.12.f., and not for any other purpose).

15.60.036. CITY OF PINOLE PROJECTS

City of Pinole departments shall comply with all the requirements of this chapter except, they shall not be required to obtain permits and approvals under this chapter for work performed within the City of Pinole or Contra Costa County owned properties and areas, such as right-of-ways.

15.60.038. EFFECTIVE DATE

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 ___, 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

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