



CITY COUNCIL REGULAR MEETING AGENDA

Tuesday, December 19, 2023
7:00 PM

Remillard Conference Room
3333 Busch Road
Pleasanton, CA 94566

The meeting will be held in-person and via video/teleconference and will be broadcast live on Channel 29 and at <https://www.tri-valleytv.org> and <https://www.youtube.com/user/TheCityofPleasanton>.

Public participation: It is requested that members of the public wishing to address the City Council submit a speaker card. When public comment is opened on an agenda item, individuals may speak once per agenda item.

To submit written public comment regarding an open session item on this meeting agenda visit <https://forms.cityofpleasantonca.gov/f/writtenpubliccomment>. Comments will be accepted by the City Clerk's Office until 12:00 p.m. on the day of the Council meeting.

Virtual or by phone call via Zoom:

- <https://forms.cityofpleasantonca.gov/f/SpeakerCard>.
- Use the "raise hand" function when public comment is opened on the agenda item. You will be unmuted when your name is called and re-muted after the allotted time. To raise your hand, click the "raise hand" button or *9 on your telephone. To unmute your phone, press *6.
- Join the meeting using this URL: <https://cityofpleasanton.zoom.us/j/85145185146>
- Join by phone +1 (669) 444-9171. When prompted: Enter Webinar ID 851 4518 5146.

In Person at Council Chamber:

- Submit a physical speaker card to the City Clerk at the meeting. When your name is called, please provide comment at the podium.

CALL TO ORDER

- Pledge of Allegiance
- Remarks by Councilmember Nibert
- Roll Call

Resolution No. 23-1438
Ordinance No. 2273

REPORT ON CLOSED SESSION

AGENDA AMENDMENTS

CONSENT CALENDAR

Items listed on the consent calendar are considered routine in nature and may be enacted by one motion. If discussion is required, that particular item will be removed from the consent calendar and will be considered separately.

City Council

1. Ratify Mayor's appointment of a Vice Mayor and City Council assignments to various boards and commissions for calendar year 2024
2. Approve fifth amendment to Employment Contract of City Attorney Dan Sodergren to provide for a six percent salary increase effective December 19, 2023, and a four percent salary increase effective June 15, 2024

City Manager

3. Adopt a resolution authorizing submittal of applications to CalRecycle for Beverage Container Recycling City/County Payment Program and related authorization for five years

Community Development

4. Actions of the Zoning Administrator and Planning Commission
5. Adopt and waive second reading of Ordinance No. 2249 approving the fifth amendment to the Stoneridge Shopping Center Development Agreement to extend the term for six months
6. Adopt and waive second reading of Ordinance No. 2250 to add a new Chapter 9.06 Leaf Blower Restrictions to the Municipal Code to ban gasoline-powered leaf blowers effective June 1, 2024
7. Adopt and waive second readings of Ordinance Nos. 2251 through 2272 to amend the Municipal Code to create a Housing Opportunity Zone District and to rezone 21 housing opportunity sites identified in the 6th Cycle Housing Element to the Housing Opportunity Zone District
8. Accept as complete the project to transfer five parcels to CalTrans for the original construction of the I-680 and Stoneridge Drive Interchange (constructed 1989), CIP 16506

Finance

9. Accept the Monthly Disbursements and Investment Report for October 2023
10. Approve a consulting services agreement with Clifford Moss, LLC for public engagement and communications services related to revenue measure election feasibility in an amount not-to-exceed \$284,000 through September 30, 2024, and approve a budget amendment in the General Fund

Human Resources

11. Adopt a resolution approving compensation for temporary/seasonal employees and amending the temporary, part-time/seasonal classification salary structure

Police

12. Adopt a resolution approving an agreement with Sun Ridge Systems Inc., to purchase a replacement computer-aided dispatch and records management system through a five-year lease-purchase term in the amount of \$1,434,360

Public Works

13. Approve first amendment to the agreement with Smart Energy Water Systems to provide banking services by increasing the not-to-exceed amount by \$1,077,531 for a total not-to-exceed amount of \$1,638,674 over four years
14. Accept subdivision improvements constructed by Sun Meadowlark LLC associated with Tract 7813 at 3459 Old Foothill Road, and authorize release of financial securities
15. Accept subdivision improvements constructed by Ponderosa Homes II, Inc., associated with Tract 8259 at 6900 Valley Trails Drive, and authorize release of financial securities
16. Authorize Contract Change Order No. 1 in the not-to-exceed amount of \$100,000 to the existing contract with Golden State Construction & Utility, Inc., for the annual Sewer Collection System Improvements Project, CIP No. 24278
17. Continued from December 5, 2023 - Approve first amendments to the as-needed maintenance and trade services agreements by increasing the total not-to-exceed amounts to \$1,200,000 for Pipe & Plant Solutions Inc. and to \$750,000 for Presidio Systems, Inc. for Utilities-sewer/storm flushing and Closed-Circuit Television (CCTV) services

MEETING OPEN TO THE PUBLIC

18. Public Comment regarding items not listed on the agenda – Speakers are limited to 3 minutes.

PUBLIC HEARINGS AND OTHER MATTERS

If necessary to ensure completion of the following items, the Mayor may alter time limits.

19. **Continued from December 5, 2023** - Receive an update on the development of a Water System Management Plan
20. Adopt a resolution to accept the Fiscal Year 2022/23 year-end Financial Report for

the Capital Improvement Program (CIP) budget

21. Adopt a resolution to accept the FY 2022/23 year-end operating budget report, approve budget amendments in multiple funds, and designate the General Fund balance

MATTERS INITIATED BY COUNCIL

COUNCIL REPORTS

Brief reports on conferences, seminars, and meetings attended by the Council

ADJOURNMENT

Notice

Under Government Code §54957.5, any writings/documents regarding an open session item on this agenda and items received by the City Clerk's Office by 12:00 p.m. on the day of the meeting provided to a majority of the City Council after distribution of the agenda packet will be available for public inspection on the City's website <https://www.cityofpleasantonca.gov/> and also at the Pleasanton Library located at 400 Old Bernal Ave., Pleasanton, CA 94566.

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

Accessible Public Meetings

The City of Pleasanton can provide special assistance for persons with disabilities to participate in public meetings. To make a request for a disability-related modification or accommodation (e.g., an assistive listening device), please contact the City Clerk's Office at 123 Main Street, Pleasanton, CA 94566 or (925) 931-5027 at the earliest possible time. If you need sign language assistance, please provide at least two working days' notice prior to the meeting date.

December 19, 2023
City Council

TITLE: RATIFY MAYOR'S APPOINTMENT OF A VICE MAYOR AND CITY COUNCIL ASSIGNMENTS TO VARIOUS BOARDS AND COMMISSIONS FOR CALENDAR YEAR 2024

SUMMARY

Each year the Mayor reviews and revises, as necessary, assignments to various City Council Subcommittees and local and regional boards and commissions. Accordingly, the Council is asked to ratify assignments for 2023.

At the same meeting, a member of the Council is selected to serve as Vice Mayor for the coming year.

RECOMMENDATION

Ratify Mayor's appointment of Councilmember Julie Testa as Vice Mayor and City Council's assignments to various boards and commissions for calendar year 2024.

BACKGROUND

This item is placed on the agenda in accordance with *City Council Rules of Procedure*, Section 6.2, which stipulates that in December of each year, the Mayor shall appoint with approval of Council, representatives to serve on Council Subcommittees and on regional boards and commissions for the coming calendar year. At the same meeting, a Councilmember is selected to serve as the Vice Mayor for the upcoming year.

DISCUSSION

The City of Pleasanton is represented by its elected officials on numerous regional organizations having jurisdiction over policy matters affecting the City. In addition, Councilmembers serve on a variety of Council Subcommittees for the purpose of advising the full Council on other policy matters. Councilmembers have been assigned as close to an equal number of boards as scheduling allows.

EQUITY AND SUSTAINABILITY

Not applicable, as this item is an administrative matter of City business.

OUTREACH

No outreach was conducted, as this item is an administrative matter of City business.

STRATEGIC PLAN ALIGNMENT

Not applicable, as this item is an administrative matter of City business.

FISCAL IMPACT

There is no fiscal impact associated with this action.

Prepared by:



Karla Brown
Mayor

Submitted by:



Karla Brown
Mayor

Approved by:

N/A

Gerry Beaudin, City Manager

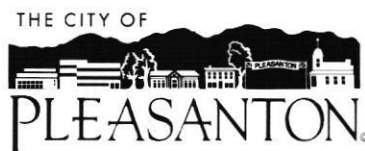
Attachments:

1. 2024 Committee Assignments

2024 CITY COUNCIL
SUBCOMMITTEE AND REGIONAL BOARD ASSIGNMENTS
December 19, 2023

VICE MAYOR - Julie Testa

	MEMBERSHIP	MEMBER(S)	ALTERNATE
COUNCIL SUBCOMMITTEES			
Alameda County Liaison Committee	2 members	Balch/Nibert	
Audit Committee	2 members	Balch/Nibert	
Dublin Liaison Committee	2 members	Nibert/Testa	
Dublin San Ramon Services District Liaison Committee	2 members	Balch/Testa	
East Bay Regional Park District Liaison Committee	2 members	Arkin/Balch	
Economic Vitality Committee	1 member	Arkin	
Fair Liaison Committee	2 members	Nibert/Testa	
Legislative Advocacy Committee	2 members	Arkin/Testa	
LPFD Joint Powers Authority	2 members	Brown/Balch	
Livermore Liaison Committee	2 members	Brown/Arkin	
PUSD Liaison Committee	2 members/1 alt	Brown/Arkin	Nibert
Waste and Recycling Committee	2 members	Brown/Balch	
Zone 7 Liaison Committee	2 members	Brown/Nibert	
LOCAL & REGIONAL BOARDS, COMMITTEES			
Alameda County Mayors' Conference	mayor/vice mayor	Brown/Testa	
Alameda County Transportation Commission	1 member/1 alt	Brown	Balch
Alameda County Mosquito Abatement District	1 member	Arkin	
Alameda County Waste Management Authority	1 member/1 alt	Balch	Arkin
Altamont Landfill Community Monitor Committee	1 member	Nibert	
Altamont Landfill Open Space Committee	1 member/1 alt	Nibert	Arkin
Association of Bay Area Governments (Gen'l Assembly)	1 member/1 alt	Testa	Arkin
Ava (Formerly East Bay Community Energy)	1 member/1 alt	Balch	Nibert
iGate Board	1 member/1 alt	Testa	Nibert
Innovation TriValley	1 member	Arkin	
League of California Cities -East Bay Division	1 member/1 alt	Arkin	Testa
Livermore Amador Valley Transit Authority	2 members/1 alt	Brown/Testa	Nibert
Livermore Amador Valley Water Management Agency	2 members/1 alt	Nibert/Testa	Arkin
Tri-Valley-San Joaquin Valley Regional Rail Authority	1 member	Nibert	
Tri-Valley Transportation Council	1 member/1 alt	Testa	Balch
OTHER NON-ELECTED MAYOR & COUNCIL APPOINTMENTS			
Alameda County Housing Commission	1 member	Seema Chawla	
Tri-Valley Conservancy	1 member	Louis Astbury	



CITY COUNCIL AGENDA REPORT

December 19, 2023
Mayor and Council

TITLE: APPROVE FIFTH AMENDMENT TO EMPLOYMENT CONTRACT OF CITY ATTORNEY DAN SODERGREN TO PROVIDE FOR A SIX PERCENT SALARY INCREASE EFFECTIVE DECEMBER 19, 2023, AND A FOUR PERCENT SALARY INCREASE EFFECTIVE JUNE 15, 2024

SUMMARY

The City Council appoints and evaluates the City Attorney. Daniel Sodergren has been Pleasanton's City Attorney since May 2016. His employment contract provides for an annual review, which occurred on December 5, 2023. Based on this review and a salary survey, it is recommended that Mr. Sodergren's salary be increased by six percent effective December 19, 2023, then by four percent effective June 15, 2024. A contract amendment is attached.

RECOMMENDATION

Adopt the Fifth Amendment to Employment Contract City Attorney, and authorize the Mayor to sign on behalf of the City.

BACKGROUND

The City Attorney advises the City Council and staff on all legal matters pertaining to City business. (See Cal. Government Code §41801.)

Daniel Sodergren has served as Pleasanton's City Attorney since 2016, has 34 years of legal experience, and has represented cities throughout the Bay Area.

DISCUSSION

Mr. Sodergren, with staff attorneys and outside counsel that he manages: advises on housing and land use law; interprets the application of federal and state laws; defends the City against lawsuits and claims; initiates litigation in the interest of the City; writes all ordinances and reviews all resolutions and contracts; advises elected and appointment officials; provides advice on land use, public contracting, open meeting laws, the Public Records Act, conflicts of interests, the California Environmental Quality Act (CEQA), and other areas of law.

The last amendment (the Fourth Amendment) to Mr. Sodergren's contract was in 2022. This Fifth Amendment would provide for a salary increase of: six percent effective December 19, 2023, which would be \$280,476 annually; and then four percent effective June 15, 2024, which would be \$291,695 annually. Without this amendment, Mr. Sodergren would be below average in a salary survey of Bay Area city attorneys.

EQUITY AND SUSTAINABILITY

Not applicable, as this item is an administrative matter of City business.

OUTREACH

No outreach was conducted, as this item is an administrative matter of City business.

STRATEGIC PLAN ALIGNMENT

Approval of this action advances the Citywide strategic goal *Organizational Effectiveness* and supports Strategies 5 and 7 by improving employee retention.

FISCAL IMPACT

This contract amendment can be paid for from available resources in the City Attorney's Department of the General Fund.

Submitted by:



Mayor Karla Brown

Fiscal Review:



Susan Hsieh
Finance Director

Attachment: Fifth Amendment to Employment Contract City Attorney

FIFTH AMENDMENT TO EMPLOYMENT CONTRACT CITY ATTORNEY

This Fifth Amendment to Employment Contract City Attorney (Fifth Amendment) is made and entered into December 19, 2023, between the City of Pleasanton and Daniel Sodergren.

WHEREAS, Daniel Sodergren has served as Pleasanton's City Attorney since 2016 pursuant to an Employment Contract City Attorney dated April 19, 2016, as amended by First (2017), Second (2019), Third (2021), and Fourth (2022) Amendments (collectively the Contract); and

WHEREAS, the Mayor and City Council reviewed his performance on December 5, 2023, considered a salary survey of city attorneys from similar jurisdictions, and reviewed his accomplishments in litigation, advisory and other legal capacities.

NOW, THEREFORE, in exchange for valuable consideration, the parties agree as follows:

- A. Section 3. Compensation of the Contract is amended to provide that salary will increase by six percent effective December 19, 2023, to \$280,476 annually, and then salary will increase four percent effective June 15, 2024, to \$291,695 annually.
- B. Except as provided in this Fifth Amendment, all other terms and conditions of the Contract shall remain in full force and effect.

Executed as of the date first written above.

CITY OF PLEASANTON

Karla Brown, Mayor

Daniel Sodergren

Attest:

Jocelyn Kwong, City Clerk

Approved as to form:

Larissa Seto, Assistant City Attorney

December 19, 2023
City Manager

TITLE: ADOPT A RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATIONS TO CALRECYCLE FOR BEVERAGE CONTAINER RECYCLING CITY/COUNTY PAYMENT PROGRAM AND RELATED AUTHORIZATION FOR FIVE YEARS

SUMMARY

The State Department of Resources Recycling and Recovery (CalRecycle) has established various grant programs to support qualifying local jurisdictions to further efforts for recycling, recovery, and reuse of materials. To apply for this funding, CalRecycle requires a resolution by the governing body to authorize administration of these grant funds. Adoption of the resolution (Attachment 1) will allow the City to use this resolution to apply for all grant programs, unless otherwise stipulated, and is effective for five years from the date of adoption.

RECOMMENDATION

Adopt a resolution authorizing submittal of applications to CalRecycle for Beverage Container Recycling City/County Payment Program and related authorization for five years.

BACKGROUND

CalRecycle offers a variety of funding opportunities for projects that help California reach its climate goals. Applications for funding require adoption of a resolution by the jurisdiction's governing body to authorize administration of the funds, if funding is awarded. Adoption of the attached resolution will allow the City to apply for funding using this authorizing resolution for a period of five years. The resolution also allows submittal of an application for the Beverage Container Recycling City/County Payment Program.

DISCUSSION

Pursuant to Public Resources Code (PRC) section 14581(a)(3)(A) of the California Beverage Container Recycling and Litter Reduction Act, CalRecycle is distributing \$10,500,000 through the City/County Payment Program to eligible cities and counties specifically for beverage container recycling and litter cleanup activities.

Each city is eligible to receive \$5,000 annually or an amount calculated by CalRecycle, on a per capita basis, whichever is greater; Pleasanton's proportional allocation is \$19,456. The Fiscal Year 2023/24 CalRecycle funding cycle commences in April 2024 and concludes on March 1, 2026. Payments to cities will be dispersed in June/July 2024 and cities will have until March 1, 2026, to spend the funds.

Eligible activities include:

- New or existing curbside recycling programs
- Neighborhood drop-off recycling programs
- Public education promoting recycling programs

- Litter reduction and clean up where the waste stream includes beverage containers that will be recycled
- Cooperative regional efforts among two or more cities or counties, or both
- Other beverage container recycling programs
- Supporting AB 341 Mandatory Commercial Recycling requirements
 - Infrastructure for businesses to recycle beverage containers
 - Support for new or existing beverage container recycling programs for multi-family residential dwellings
 - Public education and outreach that includes a beverage container recycling component.

Staff intends to apply annually for this grant and subsequent CalRecycle grant opportunities to support the City's existing efforts through public outreach and education for residents to learn more about beverage container recycling and litter prevention activities. No new AB 341 mandatory commercial recycling related programs, such as reverse vending machines and other infrastructure related to beverage recycling, are being instituted at this time.

EQUITY AND SUSTAINABILITY

Grant funds received will be used for public outreach and education to promote recycling for residents to learn more about beverage container recycling and litter prevention activities to promote environmental sustainability as a benefit to the entire community, in alignment with the City's Climate Action Plan.

OUTREACH

No outreach was conducted, as this item is an administrative matter of City business.

STRATEGIC PLAN ALIGNMENT

Approval of this application and subsequent CalRecycle grant opportunities advances the Citywide ONE Pleasanton strategic plan goal of *Investing in Our Environment*, Strategy 6 – Continue to implement priority items from the Climate Action Plan 2.0 (CAP) to lead by example in environmental sustainability. In addition, it will support the City's ongoing recycling and litter reduction efforts to implement and comply with various state laws and regulations related to waste and recycling.

FISCAL IMPACT

The City's proportional City/County payment allocation is \$19,456 and is included in the current Operating Budget revenues.

Prepared by:



Submitted by:



Approved by:



Becky Hopkins, Assistant to Alexa Jeffress, Deputy City Manager
the City Manager

Gerry Beaudin, City
Manager

Attachments:

1. CalRecycle Resolution for City-County Payment Program 12.19.23

RESOLUTION NO. 23-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON
AUTHORIZING SUBMITTAL OF APPLICATION TO CALRECYCLE FOR BEVERAGE
CONTAINER RECYCLING CITY/COUNTY PAYMENT PROGRAMS AND RELATED
AUTHORIZATIONS**

WHEREAS, pursuant to Public Resources Code sections 48000 et seq., 14581, and 42023.1(g), the Department of Resources Recycling and Recovery (CalRecycle) has established various payment programs to make payments to qualifying jurisdictions; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the payment programs; and

WHEREAS, CalRecycle's procedures for administering payment programs require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the payment program.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE, AND ORDER THE FOLLOWING:

SECTION 1: Authorizes submittal of an application to CalRecycle for any and all payment programs offered.

SECTION 2: That the City Manager, or his/her designee, is hereby authorized as Signature Authority to execute all documents necessary to implement and secure payment.

SECTION 3: That this authorization is effective for 5 years from the date of adoption or until rescinded by the Signature Authority or this governing body.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on December 19, 2023.

I, Jocelyn Kwong, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 19th day of December 2023, by the following vote:

Ayes: Councilmembers
Noes:
Absent:
Abstain:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel Sodergren, City Attorney

CITY COUNCIL AGENDA REPORT

December 19, 2023
Community Development

TITLE: ACTIONS OF THE ZONING ADMINISTRATOR AND PLANNING COMMISSION

P23-0891, Jerome Hoban

Application for Administrative Design Review approval to construct an approximately 72-square-foot single-story addition to the rear of the existing residence located at 4444 Foothill Road.

Project Information:

Existing floor area: 3,512 square feet

Total floor area with addition: 3,584 square feet

Lot size: 114,123 square feet

Existing floor area ratio: 3.08 percent

Total floor area ratio with addition: 3.14 percent

Approved. (9 days)

P23-0878, Dheeraj Sharma & Mukul Vahisht

Application for Administrative Design Review approval to construct an approximately 57-square-foot single-story addition to the southwest (front) and construct an approximately 1,072-square-foot addition to the east (right) of the home located at 4755 Woodthrush Court.

Project Information:

Existing floor area: 1,629 square feet

Total floor area with addition: 2,760 square feet

Lot size: 6,901 square feet

Existing floor area ratio: 23.61 percent

Total floor area ratio with addition: 39.99 percent

Approved. (12 days)

P23-0856, Will DiMichele/Banducci Associates Architects Inc.

Application for Design Review approval to remove the water feature of the fountain, infill it with decking and construct a pergola at the front entrance (northwest) of the building located at 596 W. Las Positas Boulevard.

Approved. (14 days)

P23-0858, Richard Liu/The RWOFF INC

Application for Design Review approval to demolish approximately 1,950 square feet of an existing residence and construct a new main residence of approximately 3,538 square feet at 1828 Tanglewood Way.

Approved. (35 days)

P23-0902, Maria Molina/Humankind Cookies

Application for Cottage Food Operation to prepare baked goods with sales to a grocery store at the existing residence located at 1541 Maple Leaf Drive.

Approved. (1 day)

P23-0879, Milan Markovic

Application for Administrative Design Review for a 114-square-foot addition to the porch and modifying the roof at 1124 Vintner Way.

Project Information:

Existing floor area: 2,078 square feet

Total floor area with addition: 2,140 square feet

Lot size: 8,139 square feet

Existing floor area ratio: 25.53 percent

Total floor area ratio with addition: 26.29 percent

Approved. (11 days)

P23-0894, Paresh Hule

Application for Administrative Design Review to construct a 520-square-foot accessory structure located at 6115 Clubhouse Drive.

Project information:

Existing floor area: 5,038 square feet

Total floor area with addition: 5,558 square feet

Lot size: 25,584 square feet

Existing floor area ratio: 19.69 percent

Total floor area ratio with addition: 21.72 percent

Approved. (23 days)

P23-0897, Juan Vazquez Landscaping

Application for Administrative Design Review approval to construct an approximately 492-square-foot, 15-foot tall, detached patio cover in the northeast (rear) yard and a 560-square-foot, 13-foot, 10-inch tall, detached patio cover in the southeast (right) side yard located at 5766 Hidden Creek Court.

Approved. (10 days)

Prepared by:



Melinda Denis
Zoning Administrator

Submitted by:



Ellen Clark
Director of Community
Development

Approved by:



Gerry Beaudin
City Manager



CITY COUNCIL AGENDA REPORT

December 19, 2023
Community Development

TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2249 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE FIFTH AMENDMENT TO THE STONERIDGE SHOPPING CENTER DEVELOPMENT AGREEMENT TO EXTEND THE TERM FOR SIX MONTHS

The foregoing Ordinance No. 2249 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

ORDINANCE NO. 2249

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON
APPROVING THE FIFTH AMENDMENT TO THE STONERIDGE SHOPPING CENTER
DEVELOPMENT AGREEMENT TO EXTEND THE TERM FOR SIX MONTHS**

WHEREAS, Stoneridge Properties, LLC (Simon Property Group) has applied for a Fifth Amendment to the Development Agreement for the properties at 1008 - 1700 Stoneridge Mall Road to amend and extend the Stoneridge Shopping Center Development Agreement, governing a previously approved approximately 362,790-square-foot shopping center expansion; and

WHEREAS, at its meeting on December 5, 2023, the City Council agreed to extend the term of the Development Agreement for six months until July 1, 2024; and

WHEREAS, on January 4, 2012, the City Council certified a Supplemental Environmental Impact Report (SEIR) and adopted the CEQA Findings and a Statement of Overriding Considerations for the Housing Element and Climate Action Plan General Plan Amendment and Rezonings Supplemental EIR. This SEIR was a supplement to the EIR prepared for the Pleasanton 2005-2025 General Plan which was certified in July 2009. The development contemplated in the agreement is consistent with the development density that was evaluated and mitigated as part of these certified CEQA documents. In addition, the City adopted an Addendum dated April 19, 2019, in connection with the Stoneridge Mall Commercial Replacement and Expansion Project, File P18-0340, which concluded that the project would not cause any unstudied impacts or impacts peculiar to the parcel. The proposed Fifth Amendment does not result in any effects on the environment that are peculiar to the property or project that were not addressed in these prior CEQA documents, or which substantial new information shows will be more significant than described in these prior CEQA documents. Therefore, no additional environmental review is required pursuant to Public Resources Code section 21083.3 and CEQA Guidelines section 15183; and

WHEREAS, the Planning Commission held a public hearing on November 8, 2023, and adopted Resolution No. PC-2023-15, recommending that the City Council approve the amendment; and

WHEREAS, on December 5, 2023, the City Council held a duly noticed public hearing on this application and considered all public testimony, agenda report, and related materials, and the recommendations of City staff and the Planning Commission; and

WHEREAS, the City Council finds that a six month extension of the Development Agreement is consistent with the City's General Plan.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. Finds that the 362,790-square-foot expansion of the Stoneridge Shopping Center was considered in the Supplemental Environmental Impact Report (SEIR) and adopted Findings and Statements of Overriding Consideration approved by the City Council on January 4, 2012, for the Housing Element update and Climate Action Plan General Plan Amendments and Rezonings that supplemented the Environmental Impact Report (EIR) prepared for the Pleasanton 2005-2025 General Plan, certified in July 2009.

SECTION 2. Finds that the Fifth Amendment is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan; is compatible with the uses authorized in and the regulations prescribed for the land use district (C- R (Regional Commercial)) in which the property is located; is in conformity with public convenience, general welfare and good land use practices; will not be detrimental to the health, safety and general welfare of the City or the region surrounding the City; will not adversely affect the orderly development of property or the preservation of property values within the City; and will promote and encourage the development of the project by providing a greater degree of certainty with respect thereto.

SECTION 3. Approves the Fifth Amendment to the Development Agreement with Stoneridge Properties, LLC, and directs the City Manager to execute, as generally shown in the attached Exhibit A, which may be modified as determined by the City Manager and City Attorney for consistency with this City Council action prior to execution.

SECTION 4. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 5. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023 by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

ATTEST:

Jocelyn Kwong, City Clerk

Dated: _____

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A

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RECORDING REQUESTED BY
CITY OF PLEASANTON

When Recorded, Return to:
Office of the City Clerk
City of Pleasanton
P.O. Box 520
Pleasanton, CA 94566

Recording Requested Pursuant to Government
Code Sections 27383 & 6103 – no fee

FIFTH AMENDMENT TO DEVELOPMENT AGREEMENT

THIS FIFTH AMENDMENT TO DEVELOPMENT AGREEMENT (the "Fifth Amendment") is made and entered into by and between the CITY OF PLEASANTON, a municipal corporation of the State of California ("City"), and STONERIDGE PROPERTIES LLC, a Delaware limited liability company, doing business in California as STONERIDGE ASSOCIATES, LLC, as successor in interest to SECURITY TRUST COMPANY, as TRUSTEE under Trust No. 1860-0 ("Developer"), pursuant to the authority of California Government Code Sections 65864-65869.5.

RECITALS

A. The City and Developer are parties to a Development Agreement (the "Agreement") dated as of November 5, 1992, as approved by the City Council under Ordinance No. 1578. The Agreement was recorded on April 2, 1993, as Instrument No. 93103418 in the Official Records of Alameda County. (Capitalized terms not otherwise defined in this Amendment shall have the meanings given to them in the Agreement; all references to the Agreement shall refer to the same as modified by the First, Second, Third and Fourth Amendments.)

B. The parties entered into the First Amendment to Development Agreement (the "First Amendment"), dated as of January 6, 1998, as approved by the City Council by its Ordinance No. 1732. The First Amendment to the Development Agreement was recorded on February 5, 1998, as Instrument No. 98048535 in the Official Records of Alameda County.

C. The parties entered into the Second Amendment to Development Agreement (the "Second Amendment"), dated as of June 18, 2013, as approved by the City Council by its Ordinance No. 2073. The Second Amendment to the Development Agreement was recorded on September 5, 2013, as Instrument No. 2013299219 in the Official Records of Alameda County.

D. The parties entered into the Third Amendment to Development Agreement (the "Third Amendment"), dated as of August 21, 2018, as approved by the City Council by its Ordinance No. 2173. The Third Amendment to the Development Agreement was recorded on September 19, 2018, as Instrument No. 2018182964 in the Official Records of Alameda County.

E. The parties entered into the Fourth Amendment to the Development Agreement (the "Fourth Amendment"), dated as of September 6, 2022, as approved by the City Council by its Ordinance 2230. The Fourth Amendment was recorded on September 12, 2022, as Instrument No. 2022156727 in the Official Records of Alameda County.

F. The City and Developer desire to extend the term of the Agreement. In order to strengthen the planning process, encourage private participation in comprehensive planning, secure the orderly development of the shopping center expansion and provide greater opportunities for traffic management and cohesive, attractive site design and improvements and related economic benefits to the City, and to facilitate the future development of a comprehensive master plan for the shopping

center, the City has determined that this Fifth Amendment is an appropriate supplement to the Agreement.

G. The Agreement originally permitted an expansion of 380,000 square feet, which was reduced to 362,790 square feet due to construction of P. F. Chang's and the Cheesecake Factory. The permitted remaining expansion was covered by the mitigated negative declaration adopted in connection with the original Development Agreement, as well as considered as part of the EIR for the Pleasanton 2005-2025 General Plan certified in July 2009, and the SEIR for the Housing Element Update and Climate Action Plan General Plan Amendments certified in January 2012, and addressed in the Addendum for the Stoneridge Mall Commercial Replacement and Expansion Project dated April 16, 2019. In addition, the cumulative impacts of the development permitted under the Agreement and this Fifth Amendment, plus all development proposed under the City of Pleasanton's 2023-2031 Housing Element, was studied in the Program Environmental Impact Report (SCH 2022040091) for that Housing Element certified by the City Council on January 26, 2023, by Resolution No. 23-1357. This Fifth Amendment merely extends the term of the previously approved Agreement by six months and is consistent with the General Plan, and there are no impacts peculiar to the parcel or unstudied impacts relevant to this Fifth Amendment.

H. On November 8, 2023, after conducting a duly noticed public hearing, the City Planning Commission recommended the City Council approve this Fifth Amendment, based on the following findings and determinations: this Fifth Amendment is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan; is compatible with the uses authorized in and the regulations prescribed for the land use district (C- R (Regional Commercial)) in which the Property is located; is in conformity with public convenience, general welfare and good land use practices; will not be detrimental to the health, safety and general welfare of the City or the region surrounding the City; will not adversely affect the orderly development of property or the preservation of property values within the City; and will promote and encourage the development of the Project by providing a greater degree of certainty with respect thereto.

I. Thereafter, on December 5, 2023, the City Council held a duly noticed public hearing on this Fifth Amendment and made the same findings and determinations as the Planning Commission. On that same date, the City Council introduced the Ordinance. On December 19, 2023, the City Council approved this Fifth Amendment by adopting Ordinance No. 2249.

NOW, THEREFORE, pursuant to the authority contained in California Government Code Sections 65864-65869.5, and in consideration of the mutual covenants and promises of the parties herein contained, the parties agree to amend the Agreement as follows:

1. Section 2.2 is hereby amended and restated as follows:

2.2 Term. The term of this Agreement and Developer's rights and obligations hereunder shall terminate on July 1, 2024.
2. Sections 3.2(a) through 3.2(i) are hereby deleted and replaced with the following:

3.2. (a) Developer shall pay development impact fees, connection charges, building permit fees and processing fees in effect at the time Developer submits the applicable Project application for processing.

3.2 (b) - 3.2 (i) (not used).
3. Exhibits D through G are hereby deleted.
4. Section 3.5 is hereby deleted and replaced with the following:

3.5 (not used).

5. Section 4.4 is hereby amended and restated as follows:

4.4 Architectural Review of Project. The City may apply the rules and regulations regarding architectural review, and objective design standards for any residential development incorporated into the Project, in effect in the City at the time the Developer applies for design review approval for any aspect of the Project, as long as applying these rules and regulations does not conflict with Developer's rights under this Agreement to expand the Shopping Center by the number of square feet specified in this Agreement.

6. Section 15 is hereby amended and restated as follows:

15. Right to Assign, etc. Developer's rights hereunder may be encumbered, sold or assigned in conjunction with the transfer, sale, assignment or financing of all or any portion of the Property at any time during the terms of this Agreement. If the proposed buyer or assignee is not an affiliate of Developer, then Developer may still assign its interest in the Property so long as Developer receives the City's prior written consent. Upon the sale, transfer or assignment of Developer's rights and interests under this Agreement, memorialized in an assignment and assumption agreement, Developer shall be released from its obligations pursuant to this Agreement with respect to the Property or portion thereof so transferred which arise subsequent to the effective date of the transfer.

7. Except as expressly modified by this Fifth Amendment, the City and Developer hereby ratify and confirm the terms and conditions of the Agreement which are fully incorporated herein by reference and shall continue in full force and effect.
8. This Fifth Amendment shall be effective as of the date the Agreement otherwise would have terminated and shall remain in effect until terminated on July 1, 2024. This Fifth Amendment may be executed in multiple counterparts, all of which taken together shall constitute one and the same instrument. This Fifth Amendment shall be duly recorded in the Official Records of Alameda County.

IN WITNESS WHEREOF, the parties have executed this Fifth Amendment on the date affixed by their signature.

"City"

CITY OF PLEASANTON, a Municipal
corporation of the State of California

By: _____
Gerry Beaudin
City Manager

Dated Executed: _____

Attest:

Jocelyn Kwong

"Developer"

STONERIDGE PROPERTIES LLC, a Delaware
limited liability company, doing business in
California as STONERIDGE ASSOCIATES, LLC

By: SIMON-MILLS II, L.L.C., a
Delaware limited liability company, its
Managing Member

By: _____

Title: _____

Date Executed: _____

Ordinance No.
Page 7 of 6

City Clerk

Approved as to Form:

Daniel G. Sodergren
City Attorney



CITY COUNCIL AGENDA REPORT

December 19, 2023
Community Development

TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2250 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON TO ADD A NEW CHAPTER 9.06 LEAF BLOWER RESTRICTIONS TO THE MUNICIPAL CODE TO BAN GASOLINE POWERED LEAF BLOWERS EFFECTIVE JUNE 1, 2024

The foregoing Ordinance No. 2250 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Nibert, Testa, Mayor Brown
Noes:	Councilmember Balch
Absent:	None
Abstain:	None

ORDINANCE NO. 2250

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON ADDING A NEW CHAPTER 9.06 LEAF BLOWER RESTRICTIONS TO BAN GASOLINE-POWERED LEAF BLOWERS EFFECTIVE JUNE 1, 2024,

WHEREAS, on October 9, 2021, Assembly Bill 1346 added Section 43018.11 of the Health and Safety Code, requiring the California Air Resources Board, by July 1, 2022, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines, as defined by the state board; and

WHEREAS, the changes to Health and Safety Code by Assembly Bill 1346 are effective January 1, 2024, or as soon as the state board determines is feasible; and

WHEREAS, in December 2021, the California Air Resource Board commenced a small off-road engines rulemaking process that provides a path for the transition of small off-road engines equipment to zero-emission equipment beginning with model year 2024; and

WHEREAS, on May 2021, the City Council held a duly-noticed public hearing and approved the FY 2021/22-FY 2022/23 Work Plan that includes a priority action to adopt a City ordinance banning the use of gasoline-powered (gas-powered) leaf blowers in Pleasanton; and

WHEREAS, the proposed amendments to the Pleasanton Municipal Code implement the requirements of state law and add local policies that are within the scope of the state law; and

WHEREAS, the City of Pleasanton's Climate Action Plan (CAP 2.0), adopted by Resolution No. 22-1271, which was subject to an Initial Study and Negative Declaration adopted by Resolution No. 22-1270, includes sections P6 and P7, that encourages transition to electric landscape equipment and ban gas-powered leaf blowers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Find that the proposed amendments to the Pleasanton Municipal Code have no possibility to have a significant effect on the environment per Title 14 California Code of Regulations (CEQA Guidelines) § 15061(b)(3).

SECTION 2. Amends the Pleasanton Municipal Code as shown in Exhibit A, attached and incorporated by this reference.

SECTION 3. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 4. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, and adopted on December 19, 2023 by the following vote.

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A

Add a new Chapter 9.06 to the Pleasanton Municipal Code as follows:

CHAPTER 9.06 LEAF BLOWER RESTRICTIONS

9.06.010. Declaration of Policy

It is declared to be the policy of the city that the peace, health, safety and welfare of residents, visitors and persons who work in the city be protected from excessive noises from leaf blowers operated too early or too loudly; as well as be protected from inhaling or being exposed to engine exhaust emissions from gasoline-powered leaf blowers.

9.06.020. Definitions

For the purposes of this chapter, certain terms are defined as follows:

- A. "Gasoline-powered leaf blower" means any leaf blower directly powered by an internal combustion engine using gasoline, alcohol or other liquid or gases fluid.
- B. "Leaf blower" means a machine that generates a current of air used to collect loose leaves debris.

9.06.030. Ban on Gasoline-Powered Leaf Blowers

Beginning June 1, 2024, it shall be unlawful for any person to operate a gasoline-powered leaf blower at any time in the City.

9.06.040. Leaf blower noise regulations

Leaf blowers are a machine or device subject to the noise regulations of Chapter 9.04.

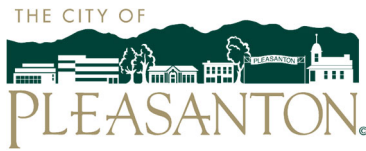
9.06.040. Enforcement

A. A violation of this chapter may be documented by an administrative citation, as set forth in Chapter 1.24, issued by a police officer or community services officer of the police department, or a code enforcement officer of the community development department.

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

9.06.050. Severability

If any section or provision of this chapter is found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of this chapter, which shall continue in full force and effect.



CITY COUNCIL AGENDA REPORT

December 19, 2023
Community Development

**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2251 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING
THE CITY-INITIATED REZONING OF 5835 AND 5859 OWENS DRIVE TO PUD-MU
(PLANNED UNIT DEVELOPMENT – MIXED USE)/HOZ (HOUSING OPPORTUNITY
ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608**

The foregoing Ordinance No. 2251 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

ORDINANCE NO. 2251

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF 5835 AND 5859 OWENS DRIVE TO PUD-MU (PLANNED UNIT DEVELOPMENT – MIXED USE)/HOZ (HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608

WHEREAS, the City of Pleasanton has adopted its Housing Element on January 26, 2023, June 20, 2023, and September 19, 2023, by Resolutions Nos. 23-1358, 23-1406, 23-1414, respectively, and seeks to implement Program 1.1 of the Housing Element to rezone sites identified for housing; and

WHEREAS, the City of Pleasanton has initiated the rezoning of 5835 and 5859 Owens Drive (the “Property”) from PUD-MU (Planned Unit Development – Mixed Use) District to PUD-MU (Planned Unit Development – Mixed Use)/HOZ (Housing Opportunity Zone) Districts (the “Rezoning”) to implement Program 1.1; and

WHEREAS, the Planning Commission held a noticed public hearing on November 8, 2023, regarding this Rezoning and recommended approval to the City Council; and

WHEREAS, the City Council held a noticed public meeting on December 5, 2023, reviewed the materials, and received a staff report and public comment regarding this Rezoning; and

WHEREAS, this Rezoning implements the policies and programs of the 2023-2031 (6th Cycle) Housing Element Update considered in the Program Environmental Impact Report (State Clearinghouse No. 2022040091) which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the Rezoning of the Property is consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. The City Council finds that the Rezoning is consistent with the General Plan, as amended.

SECTION 3. The rezoning of approximately 14.9 acres of 5835 and 5859 Owens Drive from PUD-MU (Planned Unit Development – Mixed Use) District to PUD-MU (Planned Unit Development – Mixed Use)/HOZ (Housing Opportunity Zone) Districts, with a requirement that a minimum of 555 residential units are developed at a minimum density of 75 dwelling units per acre, is hereby approved.

SECTION 4. The uses allowed and development standards applicable to this Property are those which were in effective prior to this rezoning, plus the ability to develop the Property with housing consistent with the HOZ District provisions in Municipal Code Chapter 18.30, the Housing Site Compliance Review provisions in Municipal Code Chapter 18.22, and the Objective Design Standards for Housing Sites adopted by Resolution No. 23-1386, as amended.

SECTION 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by the Zoning Map attached hereto as Exhibit A, dated December 5, 2023, and incorporated herein by this reference.

SECTION 6. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, and adopted on December 19, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

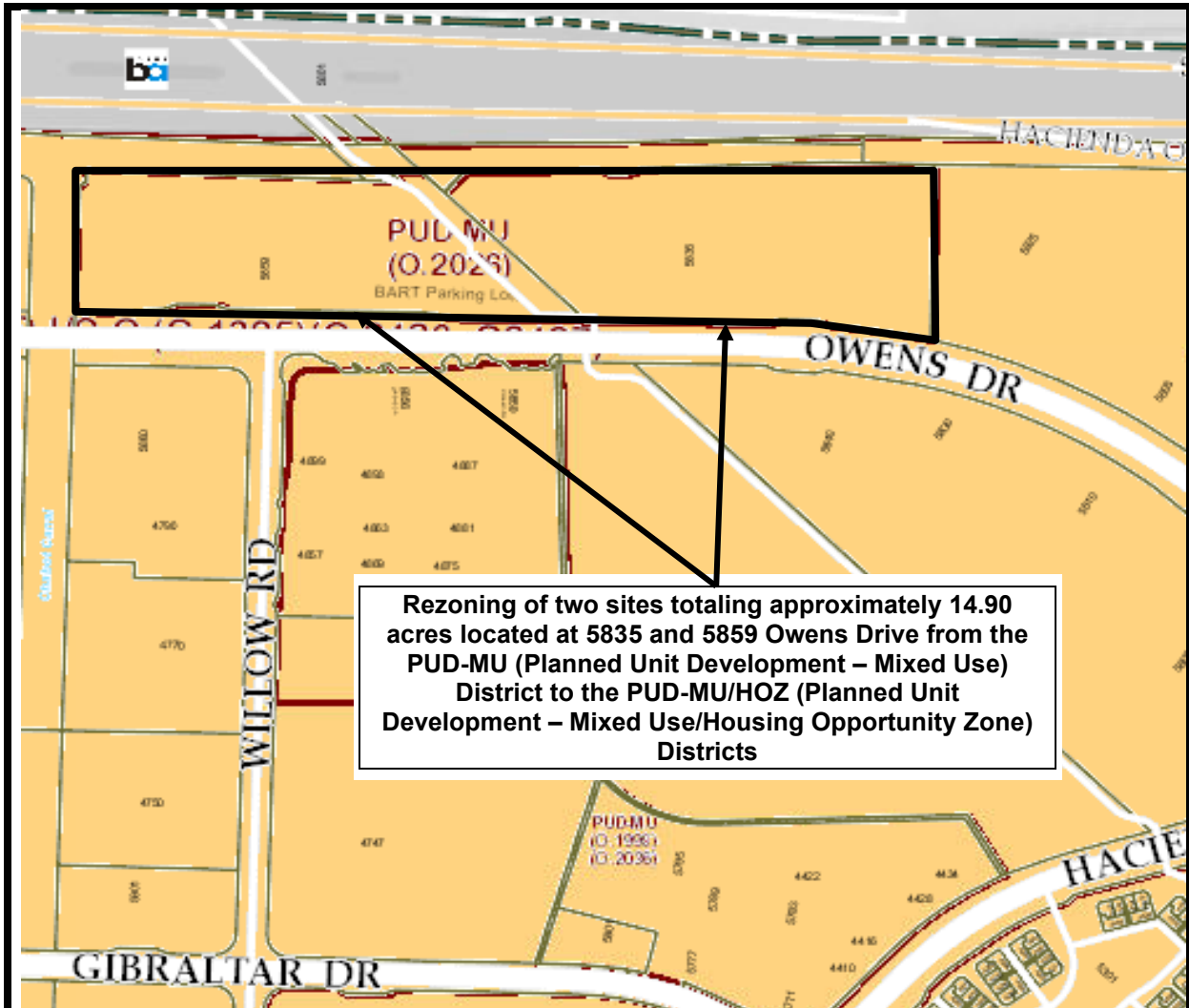
ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A



**CITY OF PLEASANTON
PLANNING DIVISION**

**Ordinance No. 2251
Zoning Unit Map No.**

DRAWN BY:

E.Luchini

APPROVED BY:

DATE:

December 5, 2023

SCALE:

1" = 600'

SEC. NO.:

P23-0608

**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2252 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING
THE CITY-INITIATED REZONING OF 4400 BLACK AVENUE TO P/HOZ
(PUBLIC/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE
P23-0608**

The foregoing Ordinance No. 2252 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

ORDINANCE NO. 2252

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF 4400 BLACK AVENUE TO P/HOZ (PUBLIC/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608

WHEREAS, the City of Pleasanton has adopted its Housing Element on January 26, 2023, June 20, 2023, and September 19, 2023, by Resolutions Nos. 23-1358, 23-1406, 23-1414, respectively, and seeks to implement Program 1.1 of the Housing Element to rezone sites identified for housing; and

WHEREAS, the City of Pleasanton has initiated the rezoning of 4400 Black Avenue (the "Property") from P (Public) District to the P/HOZ (Public/Housing Opportunity Zone) Districts (the "Rezoning") to implement Program 1.1; and

WHEREAS, the Planning Commission held a noticed public hearing on November 8, 2023, regarding this Rezoning and recommended approval to the City Council; and

WHEREAS, the City Council held a noticed public meeting on December 5, 2023, reviewed the materials, and received a staff report and public comment regarding this Rezoning; and

WHEREAS, this Rezoning implements the policies and programs of the 2023-2031 (6th Cycle) Housing Element Update considered in the Program Environmental Impact Report (State Clearinghouse No. 2022040091) which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the Rezoning of the Property is consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. The City Council finds that the Rezoning is consistent with the General Plan, as amended.

SECTION 3. The rezoning of approximately 2.62 acres of 4400 Black Avenue from P (Public) District to the P/HOZ (Public/Housing Opportunity Zone) Districts is hereby approved.

SECTION 4. The uses allowed and development standards applicable to this Property are those which were in effective prior to this rezoning, plus the ability to develop the Property with housing consistent with the HOZ District provisions in Municipal Code Chapter 18.30, the Housing Site Compliance Review provisions in Municipal Code Chapter 18.22, and the Objective Design Standards for Housing Sites adopted by Resolution No. 23-1386, as amended.

SECTION 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by the Zoning Map attached hereto as Exhibit A, dated December 5, 2023, and incorporated herein by this reference.

SECTION 6. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in “The Valley Times,” a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk’s office within fifteen (15) days after its adoption.

SECTION 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, and adopted on December 19, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

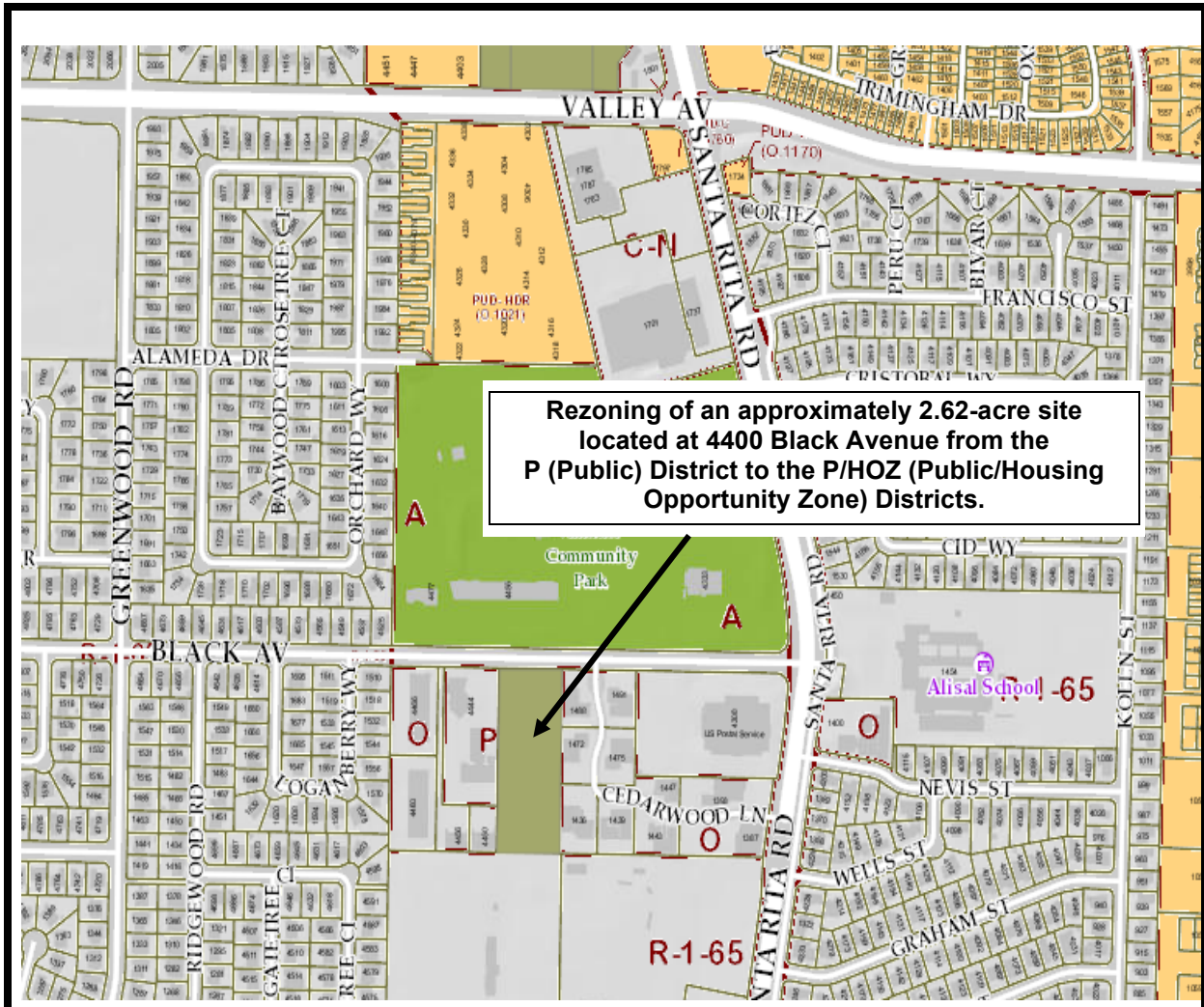
ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A



**CITY OF PLEASANTON
PLANNING DIVISION**

**Ordinance No. 2252
Zoning Unit Map No.**

DRAWN BY:
E.Luchini

APPROVED BY:

DATE:
December 5, 2023

SCALE:
1" = 600'

SEC. NO.:
P23-0608

**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2253 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING
THE CITY-INITIATED REZONING OF 3400 AND 3500 BOULDER STREET TO I-G-
40/HOZ (GENERAL INDUSTRIAL/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS
FILED UNDER CASE P23-0608**

The foregoing Ordinance No. 2253 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

ORDINANCE NO. 2253

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF 3400 AND 3500 BOULDER STREET TO I-G-40/HOZ (GENERAL INDUSTRIAL/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608

WHEREAS, the City of Pleasanton has adopted its Housing Element on January 26, 2023, June 20, 2023, and September 19, 2023, by Resolutions Nos. 23-1358, 23-1406, 23-1414, respectively, and seeks to implement Program 1.1 of the Housing Element to rezone sites identified for housing; and

WHEREAS, the City of Pleasanton has initiated the rezoning of 3400 and 3500 Boulder Street (the "Property") from I-G-40 (General Industrial) District to the I-G-40/HOZ (General Industrial/Housing Opportunity Zone) Districts (the "Rezoning") to implement Program 1.1; and

WHEREAS, the Planning Commission held a noticed public hearing on November 8, 2023, regarding this Rezoning and recommended approval to the City Council; and

WHEREAS, the City Council held a noticed public meeting on December 5, 2023, reviewed the materials, and received a staff report and public comment regarding this Rezoning; and

WHEREAS, this Rezoning implements the policies and programs of the 2023-2031 (6th Cycle) Housing Element Update considered in the Program Environmental Impact Report (State Clearinghouse No. 2022040091) which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the Rezoning of the Property is consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. The City Council finds that the Rezoning is consistent with the General Plan, as amended.

SECTION 3. The rezoning of approximately 9.46 acres of 3400 and 3500 Boulder Street from I-G-40 (General Industrial) District to the I-G-40/HOZ (General Industrial/Housing Opportunity Zone) Districts is hereby approved.

SECTION 4. The uses allowed and development standards applicable to this Property are those which were in effective prior to this rezoning, plus the ability to develop the Property with housing consistent with the HOZ District provisions in Municipal Code Chapter 18.30, the Housing Site Compliance Review provisions in Municipal Code Chapter 18.22, and the Objective Design Standards for Housing Sites adopted by Resolution No. 23-1386, as amended.

SECTION 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by the Zoning Map attached hereto as Exhibit A, dated December 5, 2023, and incorporated herein by this reference.

SECTION 6. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in “The Valley Times,” a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk’s office within fifteen (15) days after its adoption.

SECTION 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, and adopted on December 19, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

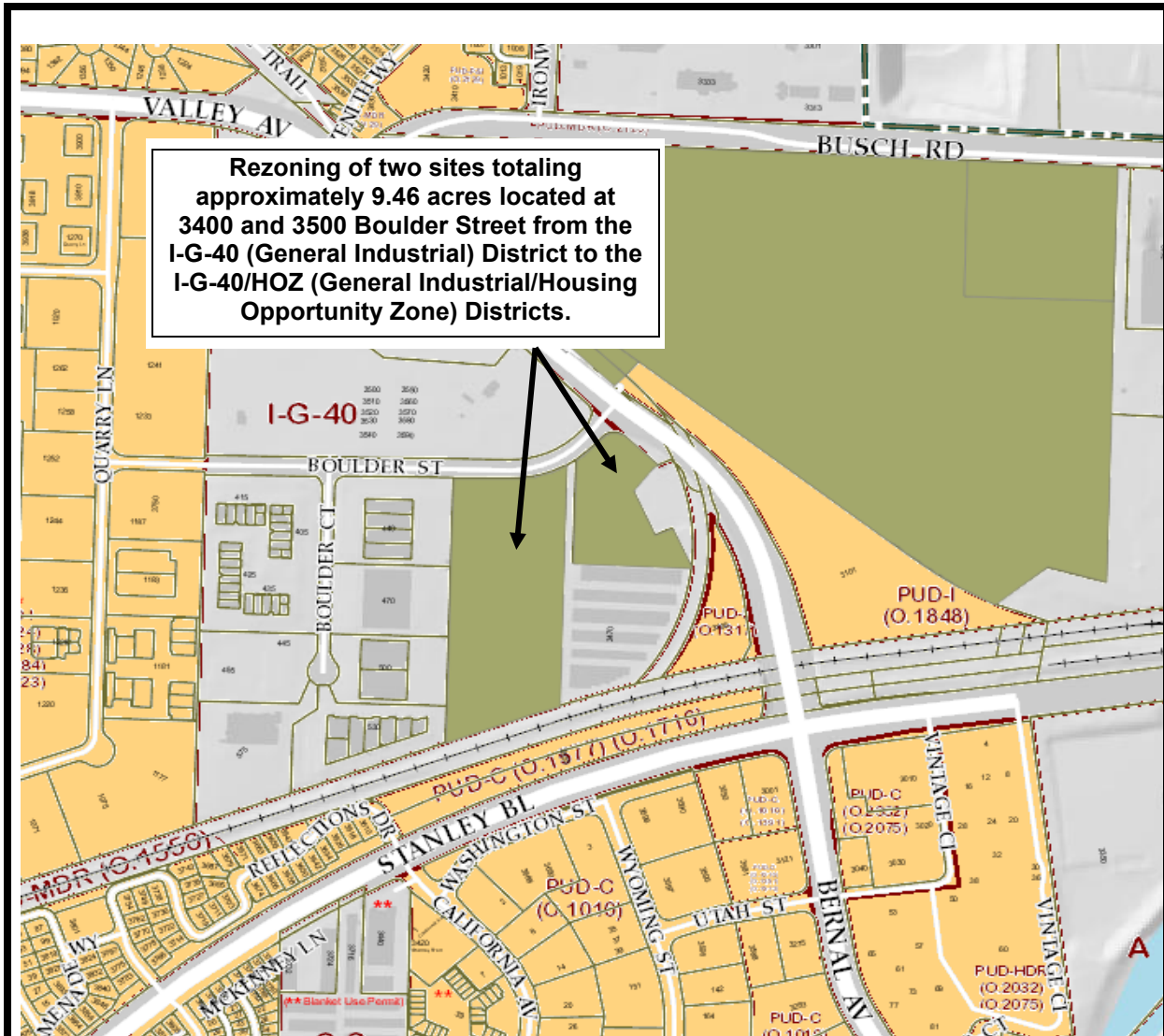
ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A



**CITY OF PLEASANTON
PLANNING DIVISION**

**Ordinance No. 2253
Zoning Unit Map No.**

DRAWN BY:

E.Luchini

APPROVED BY:

DATE:

December 5, 2023

SCALE:

1" = 600'

SEC. NO.:

P23-0608

**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2254 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING
THE CITY-INITIATED REZONING OF 4309 HACIENDA DRIVE TO PUD-I/C-O/HOZ
(PLANNED UNIT DEVELOPMENT – INDUSTRIAL/COMMERCIAL-OFFICE/HOUSING
OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608**

The foregoing Ordinance No. 2254 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

ORDINANCE NO. 2254

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF 4309 HACIENDA DRIVE TO PUD-I/C-O/HOZ (PLANNED UNIT DEVELOPMENT – INDUSTRIAL/COMMERCIAL-OFFICE/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608

WHEREAS, the City of Pleasanton has adopted its Housing Element on January 26, 2023, June 20, 2023, and September 19, 2023, by Resolutions Nos. 23-1358, 23-1406, 23-1414, respectively, and seeks to implement Program 1.1 of the Housing Element to rezone sites identified for housing; and

WHEREAS, the City of Pleasanton has initiated the rezoning of 4309 Hacienda Drive (the “Property”) from PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District to the PUD-I/C-O/HOZ (Planned Unit Development – Industrial/Commercial-Office/Housing Opportunity Zone) Districts (the “Rezoning”) to implement Program 1.1; and

WHEREAS, the Planning Commission held a noticed public hearing on November 8, 2023, regarding this Rezoning and recommended approval to the City Council; and

WHEREAS, the City Council held a noticed public meeting on December 5, 2023, reviewed the materials, and received a staff report and public comment regarding this Rezoning; and

WHEREAS, this Rezoning implements the policies and programs of the 2023-2031 (6th Cycle) Housing Element Update considered in the Program Environmental Impact Report (State Clearinghouse No. 2022040091) which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the Rezoning of the Property is consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. The City Council finds that the Rezoning is consistent with the General Plan, as amended.

SECTION 3. The rezoning of approximately 2.00 of 16.35 acres of 4309 Hacienda Drive from PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District to the PUD-I/C-O/HOZ (Planned Unit Development – Industrial/Commercial-Office/Housing Opportunity Zone) Districts is hereby approved.

SECTION 4. The uses allowed and development standards applicable to this Property are those which were in effective prior to this rezoning, plus the ability to develop the Property with housing consistent with the HOZ District provisions in Municipal Code Chapter 18.30, the Housing Site Compliance Review provisions in Municipal Code Chapter 18.22, and the Objective Design Standards for Housing Sites adopted by Resolution No. 23-1386, as amended.

SECTION 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by the Zoning Map attached hereto as Exhibit A, dated December 5, 2023, and incorporated herein by this reference.

SECTION 6. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, and adopted on December 19, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

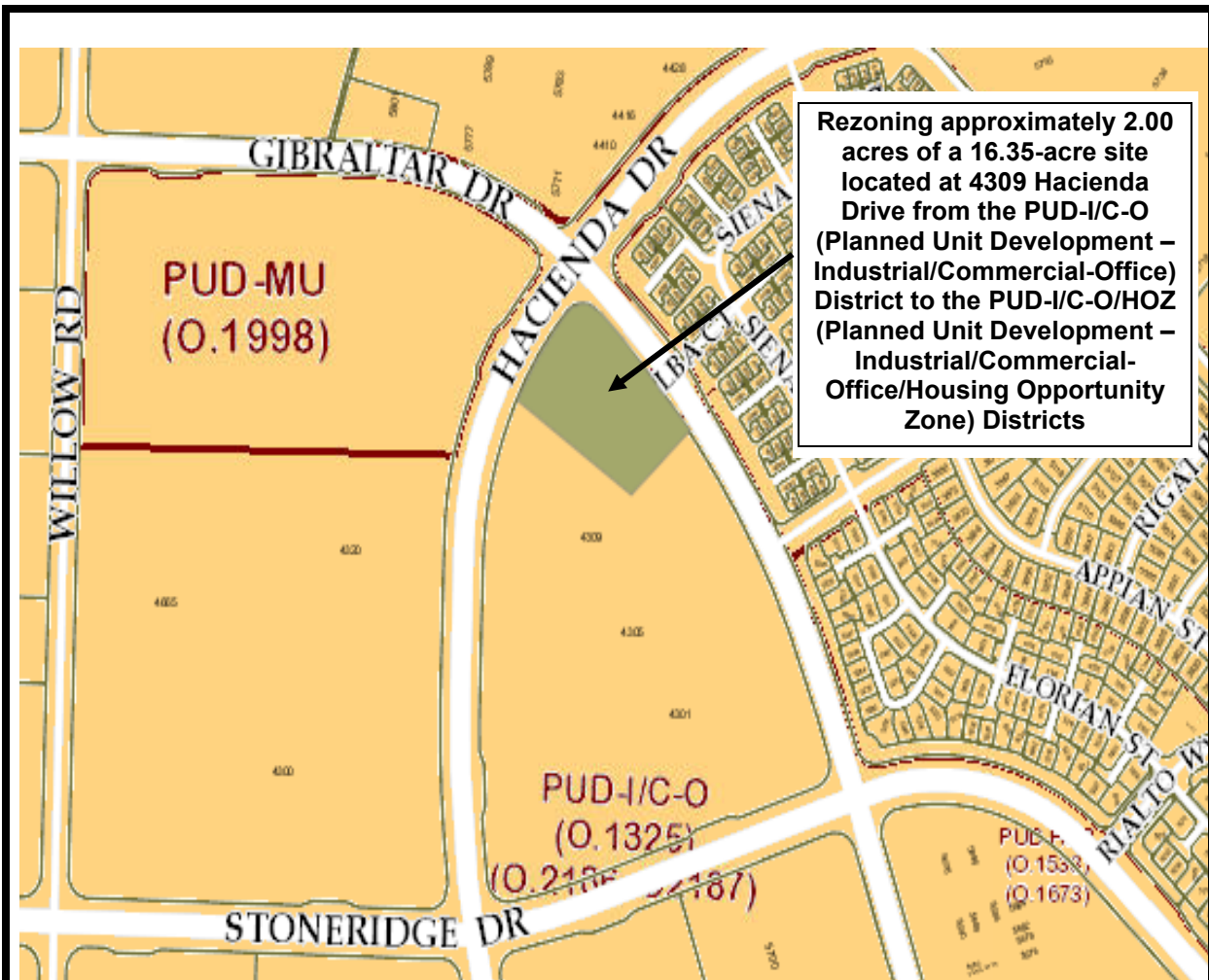
ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A



**CITY OF PLEASANTON
PLANNING DIVISION**

**Ordinance No. 2254
Zoning Unit Map No.**

DRAWN BY:
E.Luchini

APPROVED BY:

DATE:
December 5, 2023

SCALE:
1" = 600'

SEC. NO.:
P23-0608

**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2255 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING
THE CITY-INITIATED REZONING OF 3300 BUSCH ROAD, APN 946 125100809, AND
APN 946 125103300 TO I-G-40/HOZ (GENERAL INDUSTRIAL/HOUSING
OPPORTUNITY ZONE) AND S/HOZ (STUDY/ HOUSING OPPORTUNITY ZONE)
DISTRICTS, AS FILED UNDER CASE P23-0608**

The foregoing Ordinance No. 2255 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

ORDINANCE NO. 2255

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF 3300 BUSCH ROAD, APN 946 125100809, AND APN 946 125103300 TO I-G-40/HOZ (GENERAL INDUSTRIAL/HOUSING OPPORTUNITY ZONE) AND S/HOZ (STUDY/ HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608

WHEREAS, the City of Pleasanton has adopted its Housing Element on January 26, 2023, June 20, 2023, and September 19, 2023, by Resolutions Nos. 23-1358, 23-1406, 23-1414, respectively, and seeks to implement Program 1.1 of the Housing Element to rezone sites identified for housing; and

WHEREAS, the City of Pleasanton has initiated the rezoning of 3300 Busch Road, APN 946 125100809, and APN 946 125103300 (the "Property") from I-G-40 (General Industrial) and S (Study) Districts to the I-G-40/HOZ (General Industrial/Housing Opportunity Zone) and S/HOZ (Study/ Housing Opportunity Zone) Districts (the "Rezoning") to implement Program 1.1; and

WHEREAS, the Planning Commission held a noticed public hearing on November 8, 2023, regarding this Rezoning and recommended approval to the City Council; and

WHEREAS, the City Council held a noticed public meeting on December 5, 2023, reviewed the materials, and received a staff report and public comment regarding this Rezoning; and

WHEREAS, this Rezoning implements the policies and programs of the 2023-2031 (6th Cycle) Housing Element Update considered in the Program Environmental Impact Report (State Clearinghouse No. 2022040091) which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the Rezoning of the Property is consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. The City Council finds that the Rezoning is consistent with the General Plan, as amended.

SECTION 3. The rezoning of approximately 7.55 of 49.07 acres of 3300 Busch Road, APN 946 125100809, and APN 946 125103300 from I-G-40 (General Industrial) and S (Study) Districts to the I-G-40/HOZ (General Industrial/Housing Opportunity Zone) and S/HOZ (Study/ Housing Opportunity Zone) Districts is hereby approved.

SECTION 4. The uses allowed and development standards applicable to this Property are those which were in effective prior to this rezoning, plus the ability to develop the Property with housing consistent with the HOZ District provisions in Municipal Code Chapter 18.30, the Housing Site Compliance Review provisions in Municipal Code Chapter 18.22, and the Objective Design Standards for Housing Sites adopted by Resolution No. 23-1386, as amended.

SECTION 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by the Zoning Map attached hereto as Exhibit A, dated December 5, 2023, and incorporated herein by this reference.

SECTION 6. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, and adopted on December 19, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

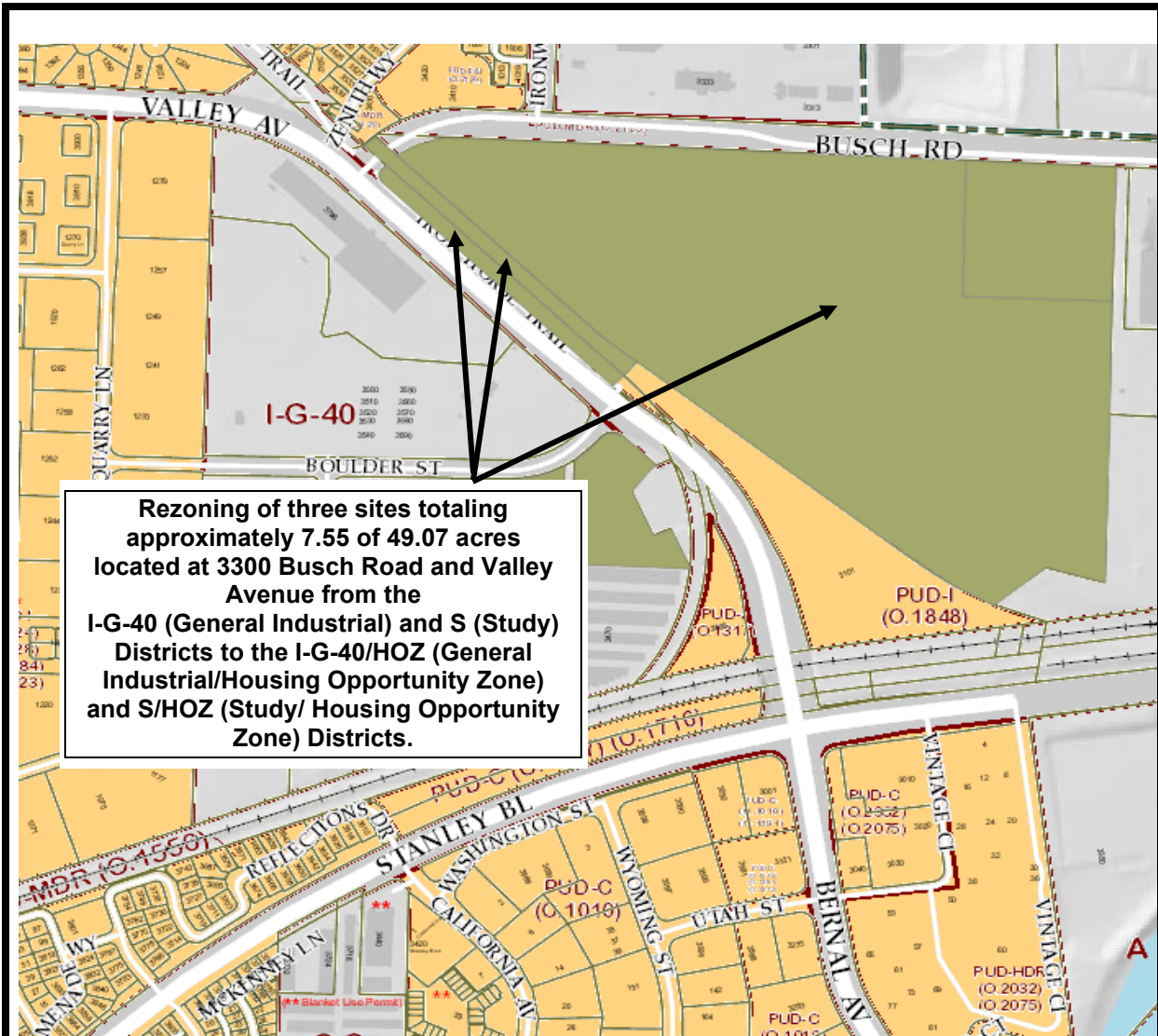
ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A



**CITY OF PLEASANTON
PLANNING DIVISION**

**Ordinance No. 2555
Zoning Unit Map No.**

DRAWN BY:
E.Luchini

APPROVED BY:

DATE:
December 5, 2023

SCALE:
1" = 600'

SEC. NO.:
P23-0608

**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2256 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING
THE CITY-INITIATED REZONING OF 4780 CHABOT DRIVE TO PUD-I/C-O/HOZ
(PLANNED UNIT DEVELOPMENT – INDUSTRIAL/COMMERCIAL-OFFICE/HOUSING
OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608**

The foregoing Ordinance No. 2256 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

ORDINANCE NO. 2256

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF 4780 CHABOT DRIVE TO PUD-I/C-O/HOZ (PLANNED UNIT DEVELOPMENT – INDUSTRIAL/COMMERCIAL-OFFICE/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608

WHEREAS, the City of Pleasanton has adopted its Housing Element on January 26, 2023, June 20, 2023, and September 19, 2023, by Resolutions Nos. 23-1358, 23-1406, 23-1414, respectively, and seeks to implement Program 1.1 of the Housing Element to rezone sites identified for housing; and

WHEREAS, the City of Pleasanton has initiated the rezoning of 4780 Chabot Drive (the “Property”) from PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District to the PUD-I/C-O/HOZ (Planned Unit Development – Industrial/Commercial-Office/Housing Opportunity Zone) Districts (the “Rezoning”) to implement Program 1.1; and

WHEREAS, the Planning Commission held a noticed public hearing on November 8, 2023, regarding this Rezoning and recommended approval to the City Council; and

WHEREAS, the City Council held a noticed public meeting on December 5, 2023, reviewed the materials, and received a staff report and public comment regarding this Rezoning; and

WHEREAS, this Rezoning implements the policies and programs of the 2023-2031 (6th Cycle) Housing Element Update considered in the Program Environmental Impact Report (State Clearinghouse No. 2022040091) which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the Rezoning of the Property is consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. The City Council finds that the Rezoning is consistent with the General Plan, as amended.

SECTION 3. The rezoning of approximately 1.39 acres of 4780 Chabot Drive from PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District to the PUD-I/C-O/HOZ (Planned Unit Development – Industrial/Commercial-Office/Housing Opportunity Zone) Districts is hereby approved.

SECTION 4. The uses allowed and development standards applicable to this Property are those which were in effective prior to this rezoning, plus the ability to develop the Property with housing consistent with the HOZ District provisions in Municipal Code Chapter 18.30, the Housing Site Compliance Review provisions in Municipal Code Chapter 18.22, and the Objective Design Standards for Housing Sites adopted by Resolution No. 23-1386, as amended.

SECTION 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by the Zoning Map attached hereto as Exhibit A, dated December 5, 2023, and incorporated herein by this reference.

SECTION 6. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, and adopted on December 19, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

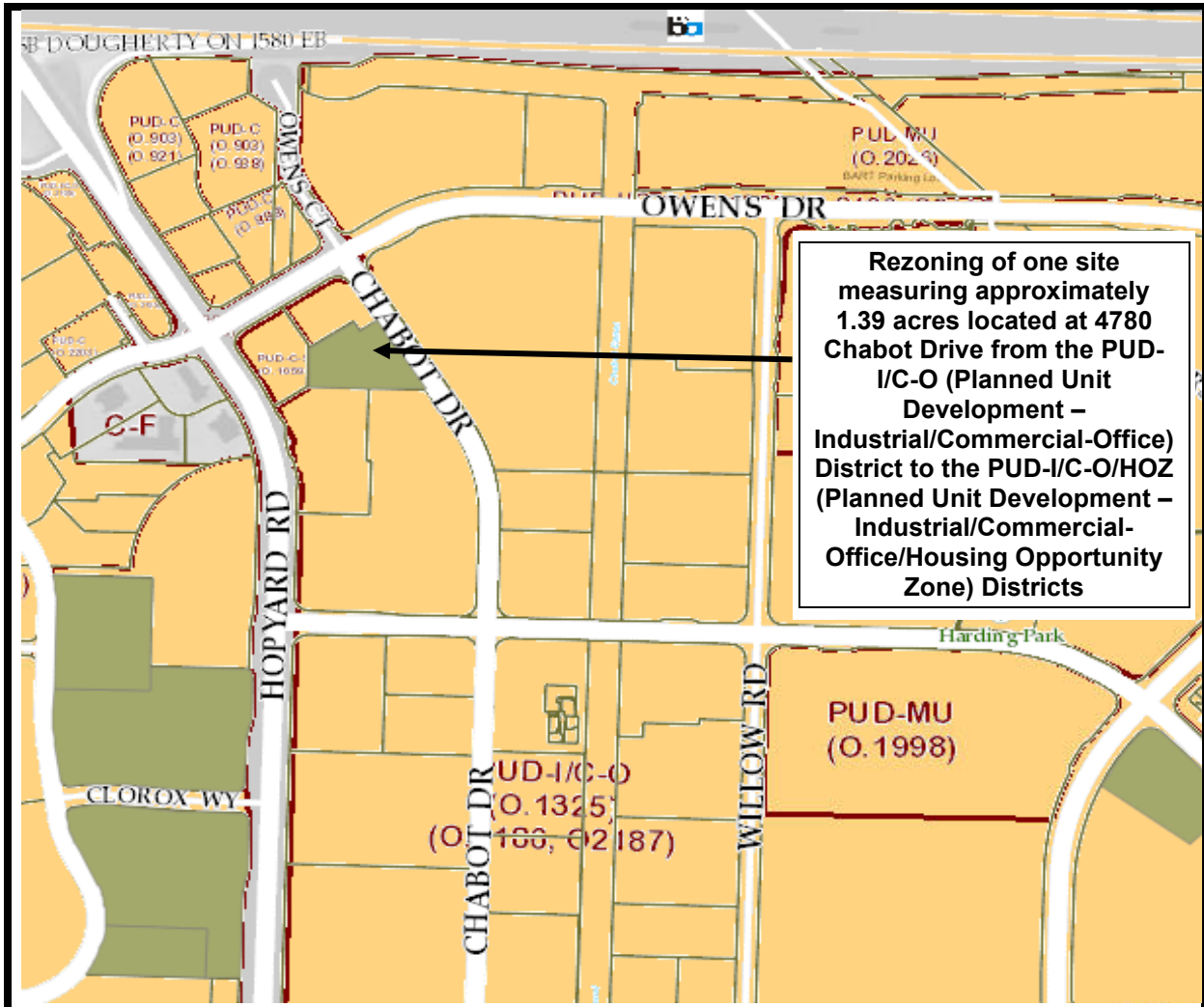
ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A



**CITY OF PLEASANTON
PLANNING DIVISION**

**Ordinance No. 2256
Zoning Unit Map No.**

DRAWN BY:

E.Luchini

APPROVED BY:

DATE:

December 5, 2023

SCALE:

1" = 600'

SEC. NO.:

P23-0608

**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2257 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING
THE CITY-INITIATED REZONING OF 10807 AND 11033 DUBLIN CANYON ROAD,
APN 941 250000300, AND APN 941 260000206 PRE-ZONED-A (PRE-ZONED –
AGRICULTURE)/HOZ (HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED
UNDER CASE P23-0608**

The foregoing Ordinance No. 2257 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

ORDINANCE NO. 2257

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF 10807 AND 11033 DUBLIN CANYON ROAD, APN 941 250000300, AND APN 941 260000206 PRE-ZONED-A (PRE-ZONED – AGRICULTURE)/HOZ (HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608

WHEREAS, the City of Pleasanton has adopted its Housing Element on January 26, 2023, June 20, 2023, and September 19, 2023, by Resolutions Nos. 23-1358, 23-1406, 23-1414, respectively, and seeks to implement Program 1.1 of the Housing Element to rezone sites identified for housing; and

WHEREAS, the City of Pleasanton has initiated the rezoning of 10807 and 11033 Dublin Canyon Road, APN 941 250000300, and APN 941 260000206 (the “Property”) from Pre-zoned-A (Pre-zoned – Agriculture) District to Pre-zoned-A (Pre-zoned – Agriculture)/HOZ (Housing Opportunity Zone) Districts (the “Rezoning”) to implement Program 1.1; and

WHEREAS, the Planning Commission held a noticed public hearing on November 8, 2023, regarding this Rezoning and recommended approval to the City Council; and

WHEREAS, the City Council held a noticed public meeting on December 5, 2023, reviewed the materials, and received a staff report and public comment regarding this Rezoning; and

WHEREAS, this Rezoning implements the policies and programs of the 2023-2031 (6th Cycle) Housing Element Update considered in the Program Environmental Impact Report (State Clearinghouse No. 2022040091) which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the Rezoning of the Property is consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. The City Council finds that the Rezoning is consistent with the General Plan, as amended.

SECTION 3. The rezoning of approximately 124.58 acres of 10807 and 11033 Dublin Canyon Road, APN 941 250000300, and APN 941 260000206 from Pre-zoned-A (Pre-zoned – Agriculture) District to Pre-zoned-A (Pre-zoned – Agriculture)/HOZ (Housing Opportunity Zone) Districts is hereby approved.

SECTION 4. The uses allowed and development standards applicable to this Property are those which were in effective prior to this rezoning, plus the ability to develop the Property with housing consistent with the HOZ District provisions in Municipal Code Chapter 18.30, the Housing Site Compliance Review provisions in Municipal Code Chapter 18.22, and the Objective Design Standards for Housing Sites adopted by Resolution No. 23-1386, as amended.

SECTION 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by the Zoning Map attached hereto as Exhibit A, dated December 5, 2023, and incorporated herein by this reference.

SECTION 6. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, and adopted December 19, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

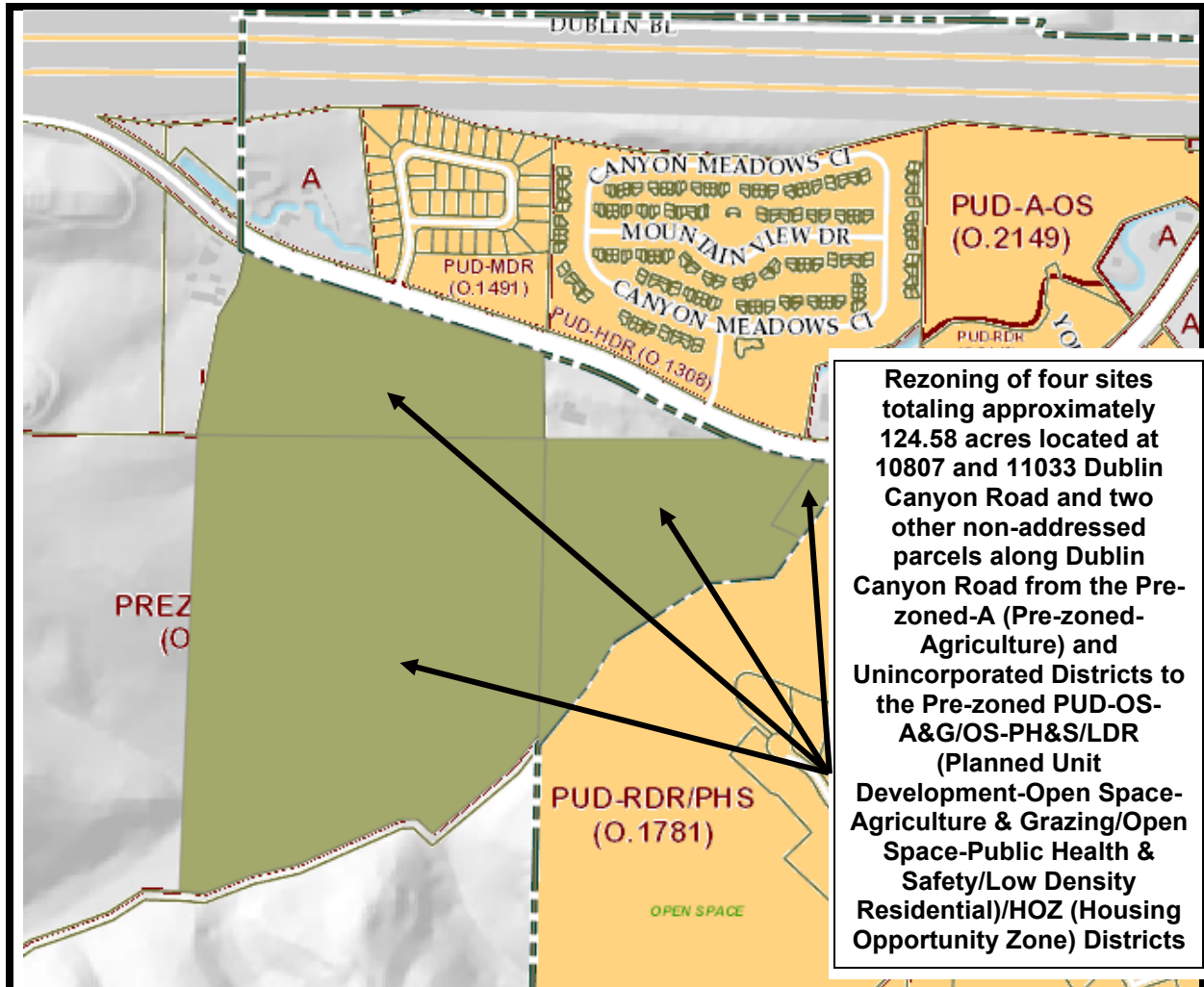
ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A



CITY OF PLEASANTON PLANNING DIVISION

Ordinance No. 2257 Zoning Unit Map No.

DRAWN BY:
E.Luchini

APPROVED BY:

DATE:
December 5, 2023

SCALE:
1" = 600'

SEC. NO.:
P23-0608

**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2258 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING
THE CITY-INITIATED REZONING OF 5724 W. LAS POSITAS DRIVE TO PUD-I/C-
O/HOZ (PLANNED UNIT DEVELOPMENT – INDUSTRIAL/COMMERCIAL-
OFFICE/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE
P23-0608**

The foregoing Ordinance No. 2258 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

ORDINANCE NO. 2258

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF 5724 W. LAS POSITAS DRIVE TO PUD-I/C-O/HOZ (PLANNED UNIT DEVELOPMENT – INDUSTRIAL/COMMERCIAL-OFFICE/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608

WHEREAS, the City of Pleasanton has adopted its Housing Element on January 26, 2023, June 20, 2023, and September 19, 2023, by Resolutions Nos. 23-1358, 23-1406, 23-1414, respectively, and seeks to implement Program 1.1 of the Housing Element to rezone sites identified for housing; and

WHEREAS, the City of Pleasanton has initiated the rezoning of 5724 W. Las Positas Drive (the “Property”) from PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District to the PUD-I/C-O/HOZ (Planned Unit Development – Industrial/Commercial-Office/Housing Opportunity Zone) Districts (the “Rezoning”) to implement Program 1.1; and

WHEREAS, the Planning Commission held a noticed public hearing on November 8, 2023, regarding this Rezoning and recommended approval to the City Council; and

WHEREAS, the City Council held a noticed public meeting on December 5, 2023, reviewed the materials, and received a staff report and public comment regarding this Rezoning; and

WHEREAS, this Rezoning implements the policies and programs of the 2023-2031 (6th Cycle) Housing Element Update considered in the Program Environmental Impact Report (State Clearinghouse No. 2022040091) which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the Rezoning of the Property is consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. The City Council finds that the Rezoning is consistent with the General Plan, as amended.

SECTION 3. The rezoning of approximately 4.86 acres of 5724 W. Las Positas Drive from PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District to the PUD-I/C-O/HOZ (Planned Unit Development – Industrial/Commercial-Office/Housing Opportunity Zone) Districts is hereby approved.

SECTION 4. The uses allowed and development standards applicable to this Property are those which were in effective prior to this rezoning, plus the ability to develop the Property with housing consistent with the HOZ District provisions in Municipal Code Chapter 18.30, the Housing Site Compliance Review provisions in Municipal Code Chapter 18.22, and the Objective Design Standards for Housing Sites adopted by Resolution No. 23-1386, as amended.

SECTION 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by the Zoning Map attached hereto as Exhibit A, dated December 5, 2023, and incorporated herein by this reference.

SECTION 6. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, and adopted December 19, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

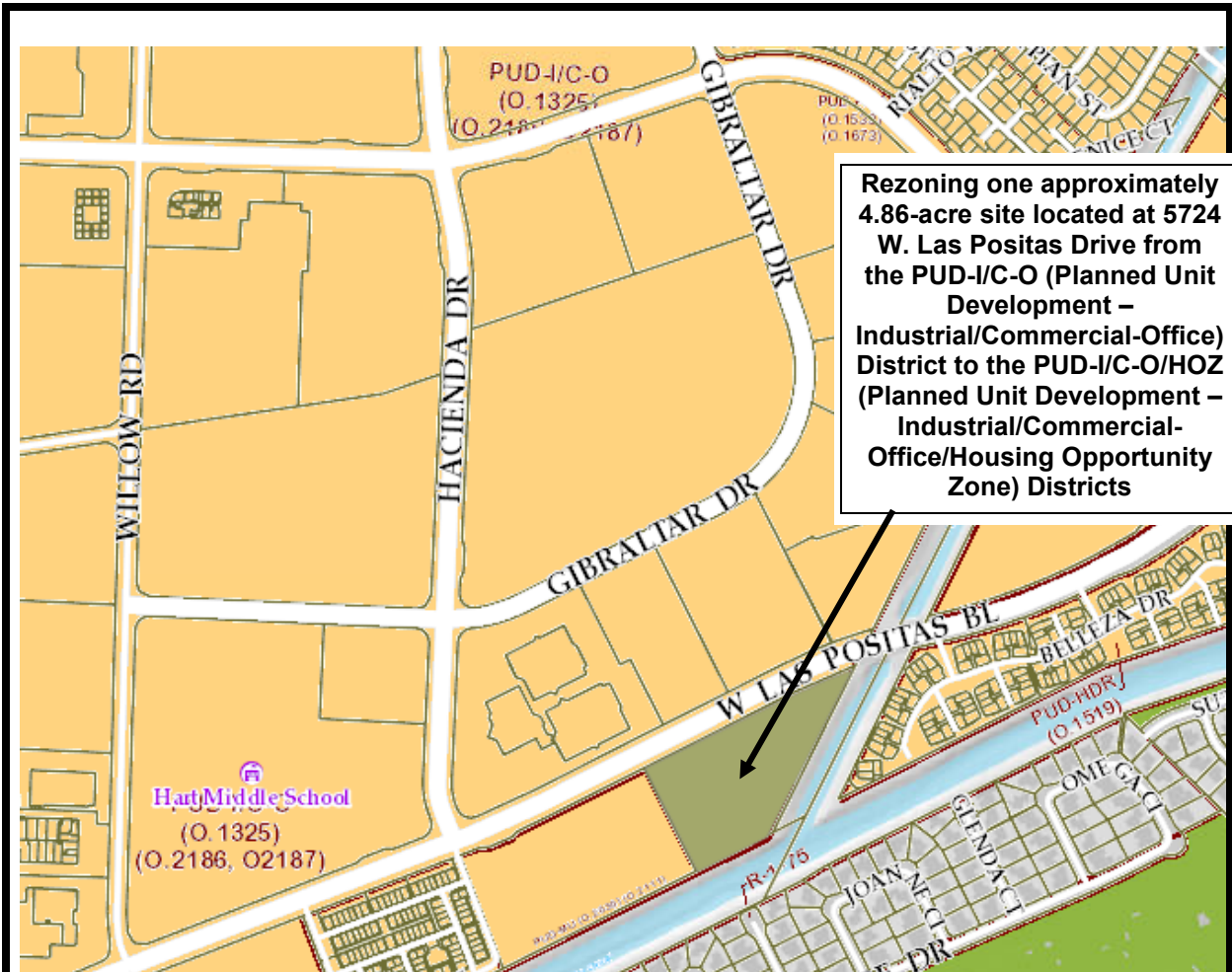
ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A



CITY OF PLEASANTON PLANNING DIVISION

Ordinance No. 2258 Zoning Unit Map No.

DRAWN BY:
E.Luchini

APPROVED BY:

DATE:
December 5, 2023

SCALE:
1" = 600'

SEC. NO.:
P23-0608

**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2259 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING
THE CITY-INITIATED REZONING OF 4131 AND 4141 FOOTHILL ROAD, APN 941
095000312, AND APN 941 095000311 to Pre-zoned PUD-LDR/HOZ (Planned Unit
Development – Low Density Residential/Housing Opportunity Zone) Districts, AS
FILED UNDER CASE P23-0608UNDER CASE P23-0608**

The foregoing Ordinance No. 2259 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

ORDINANCE NO. 2259

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF 4131 AND 4141 FOOTHILL ROAD, APN 941 095000312, AND APN 941 095000311 TO PRE-ZONED PUD-LDR/HOZ (PLANNED UNIT DEVELOPMENT – LOW DENSITY RESIDENTIAL/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608

WHEREAS, the City of Pleasanton has adopted its Housing Element on January 26, 2023, June 20, 2023, and September 19, 2023, by Resolutions Nos. 23-1358, 23-1406, 23-1414, respectively, and seeks to implement Program 1.1 of the Housing Element to rezone sites identified for housing; and

WHEREAS, the City of Pleasanton has initiated the rezoning of 4131 and 4141 Foothill Road, APN 941 095000312, and APN 941 095000311 (the “Property”) from Unincorporated to Pre-zoned PUD-LDR/HOZ (Planned Unit Development – Low Density Residential/Housing Opportunity Zone) Districts (the “Rezoning”) to implement Program 1.1; and

WHEREAS, the Planning Commission held a noticed public hearing on November 8, 2023, regarding this Rezoning and recommended approval to the City Council; and

WHEREAS, the City Council held a noticed public meeting on December 5, 2023, reviewed the materials, and received a staff report and public comment regarding this Rezoning; and

WHEREAS, this Rezoning implements the policies and programs of the 2023-2031 (6th Cycle) Housing Element Update considered in the Program Environmental Impact Report (State Clearinghouse No. 2022040091) which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the Rezoning of the Property is consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. The City Council finds that the Rezoning is consistent with the General Plan, as amended.

SECTION 3. The rezoning of approximately 46.3 acres of 4131 and 4141 Foothill Road, APN 941 095000312, and APN 941 095000311 from Unincorporated to Pre-zoned PUD-LDR/HOZ (Planned Unit Development – Low Density Residential/Housing Opportunity Zone) Districts is hereby approved.

SECTION 4. The uses allowed and development standards applicable to this Property are those which were in effective prior to this rezoning, plus the ability to develop the Property with housing consistent with the HOZ District provisions in Municipal Code Chapter 18.30, the Housing Site Compliance Review provisions in Municipal Code Chapter 18.22, and the Objective Design Standards for Housing Sites adopted by Resolution No. 23-1386, as amended.

SECTION 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by the Zoning Map attached hereto as Exhibit A, dated December 5, 2023, and incorporated herein by this reference.

SECTION 6. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, and December 19, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

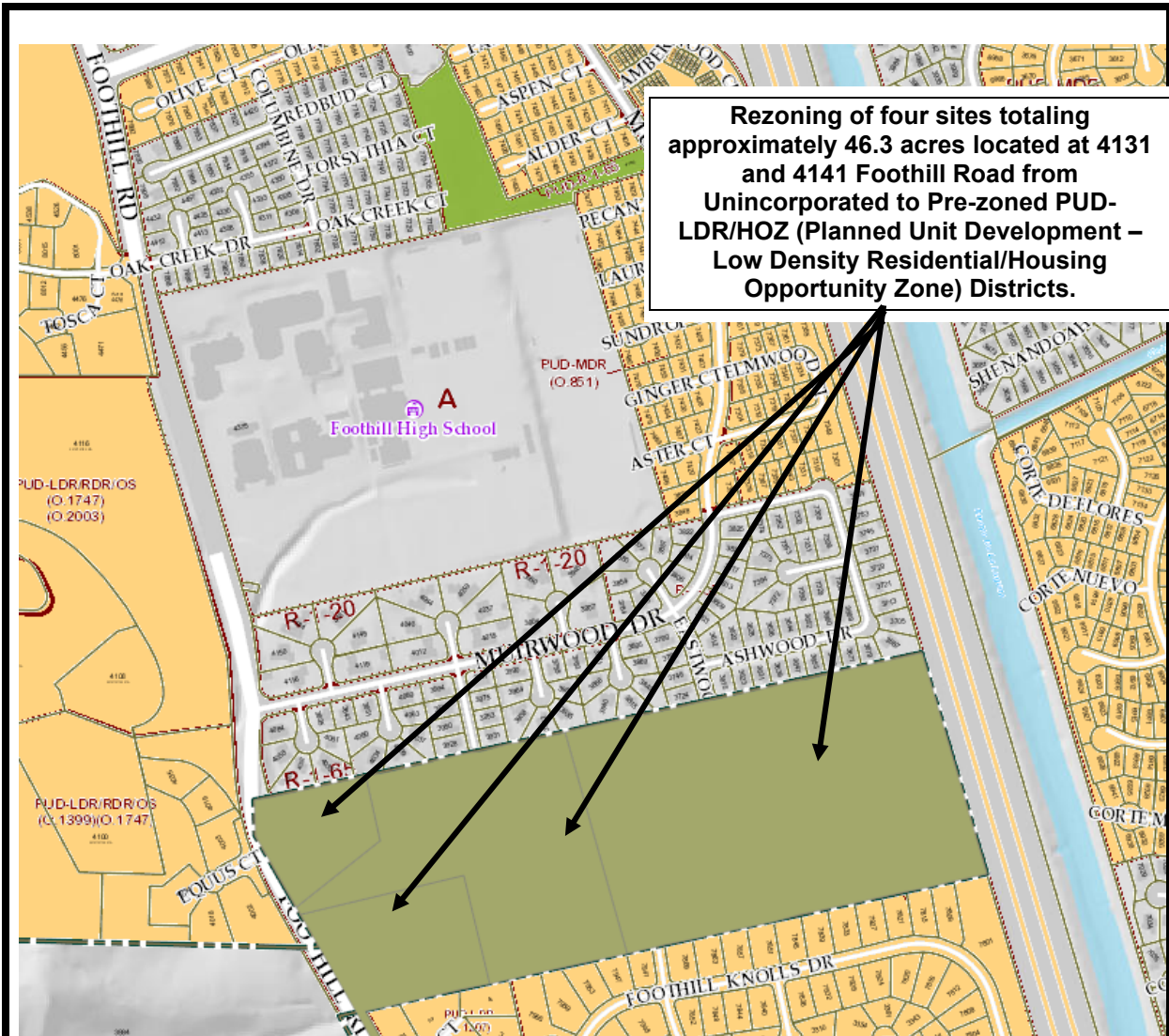
ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A



CITY OF PLEASANTON PLANNING DIVISION

Ordinance No. 2259 Zoning Unit Map No.

DRAWN BY:

E.Luchini

APPROVED BY:

DATE:

December 5, 2023

SCALE:

1" = 600'

SEC. NO.:

P23-0608

**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2260 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING
THE CITY-INITIATED REZONING OF 4515 ROSEWOOD DRIVE TO PUD-I/C-O/HOZ
(PLANNED UNIT DEVELOPMENT – INDUSTRIAL/COMMERCIAL-OFFICE/HOUSING
OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608**

The foregoing Ordinance No. 2260 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

ORDINANCE NO. 2260

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF 4515 ROSEWOOD DRIVE TO PUD-I/C-O/HOZ (PLANNED UNIT DEVELOPMENT – INDUSTRIAL/COMMERCIAL-OFFICE/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608

WHEREAS, the City of Pleasanton has adopted its Housing Element on January 26, 2023, June 20, 2023, and September 19, 2023, by Resolutions Nos. 23-1358, 23-1406, 23-1414, respectively, and seeks to implement Program 1.1 of the Housing Element to rezone sites identified for housing; and

WHEREAS, the City of Pleasanton has initiated the rezoning of 4515 Rosewood Drive (the “Property”) from PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District to the PUD-I/C-O/HOZ (Planned Unit Development – Industrial/Commercial-Office/Housing Opportunity Zone) Districts (the “Rezoning”) to implement Program 1.1; and

WHEREAS, the Planning Commission held a noticed public hearing on November 8, 2023, regarding this Rezoning and recommended approval to the City Council; and

WHEREAS, the City Council held a noticed public meeting on December 5, 2023, reviewed the materials, and received a staff report and public comment regarding this Rezoning; and

WHEREAS, this Rezoning implements the policies and programs of the 2023-2031 (6th Cycle) Housing Element Update considered in the Program Environmental Impact Report (State Clearinghouse No. 2022040091) which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the Rezoning of the Property is consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. The City Council finds that the Rezoning is consistent with the General Plan, as amended.

SECTION 3. The rezoning of approximately 5.00 of 15.51 acres of 4515 Rosewood Drive (the “Property”) from PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District to the PUD-I/C-O/HOZ (Planned Unit Development – Industrial/Commercial-Office/Housing Opportunity Zone) Districts is hereby approved.

SECTION 4. The uses allowed and development standards applicable to this Property are those which were in effective prior to this rezoning, plus the ability to develop the Property with housing consistent with the HOZ District provisions in Municipal Code Chapter 18.30, the Housing Site Compliance Review provisions in Municipal Code Chapter 18.22, and the Objective Design Standards for Housing Sites adopted by Resolution No. 23-1386, as amended.

SECTION 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by the Zoning Map attached hereto as Exhibit A, dated December 5, 2023, and incorporated herein by this reference.

SECTION 6. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, and adopted December 19, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

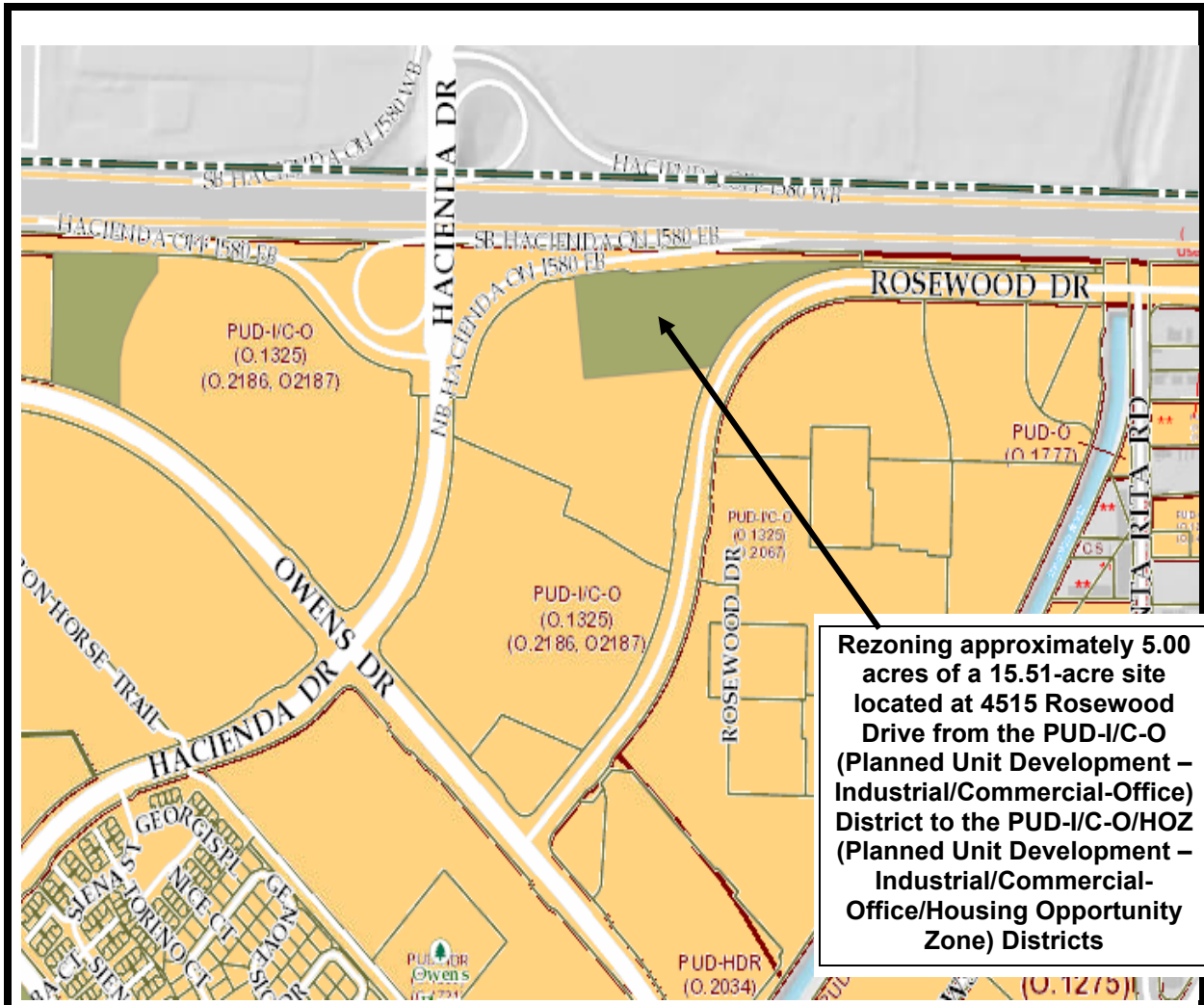
ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A



CITY OF PLEASANTON PLANNING DIVISION

Ordinance No. 2260 Zoning Unit Map No.

DRAWN BY:
E.Luchini

APPROVED BY:

DATE:
December 5, 2023

SCALE:
1" = 600'

SEC. NO.:
P23-0608

**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2261 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING
THE CITY-INITIATED REZONING OF 5805 OWENS DRIVE TO PUD-I/C-O/HOZ
(PLANNED UNIT DEVELOPMENT – INDUSTRIAL/COMMERCIAL-OFFICE/HOUSING
OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608**

The foregoing Ordinance No. 2261 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

ORDINANCE NO. 2261

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF 5805 OWENS DRIVE TO PUD-I/C-O/HOZ (PLANNED UNIT DEVELOPMENT – INDUSTRIAL/COMMERCIAL-OFFICE/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608

WHEREAS, the City of Pleasanton has adopted its Housing Element on January 26, 2023, June 20, 2023, and September 19, 2023, by Resolutions Nos. 23-1358, 23-1406, 23-1414, respectively, and seeks to implement Program 1.1 of the Housing Element to rezone sites identified for housing; and

WHEREAS, the City of Pleasanton has initiated the rezoning of 5805 Owens Drive (the “Property”) from PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District to the PUD-I/C-O/HOZ (Planned Unit Development – Industrial/Commercial-Office/Housing Opportunity Zone) Districts (the “Rezoning”) to implement Program 1.1; and

WHEREAS, the Planning Commission held a noticed public hearing on November 8, 2023, regarding this Rezoning and recommended approval to the City Council; and

WHEREAS, the City Council held a noticed public meeting on December 5, 2023, reviewed the materials, and received a staff report and public comment regarding this Rezoning; and

WHEREAS, this Rezoning implements the policies and programs of the 2023-2031 (6th Cycle) Housing Element Update considered in the Program Environmental Impact Report (State Clearinghouse No. 2022040091) which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the Rezoning of the Property is consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. The City Council finds that the Rezoning is consistent with the General Plan, as amended.

SECTION 3. The rezoning of approximately 3.00 of 20.61 acres of 5805 Owens Drive from PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District to the PUD-I/C-O/HOZ (Planned Unit Development – Industrial/Commercial-Office/Housing Opportunity Zone) Districts is hereby approved.

SECTION 4. The uses allowed and development standards applicable to this Property are those which were in effective prior to this rezoning, plus the ability to develop the Property with housing consistent with the HOZ District provisions in Municipal Code Chapter 18.30, the Housing Site Compliance Review provisions in Municipal Code Chapter 18.22, and the Objective Design Standards for Housing Sites adopted by Resolution No. 23-1386, as amended.

SECTION 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by the Zoning Map attached hereto as Exhibit A, dated December 5, 2023, and incorporated herein by this reference.

SECTION 6. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

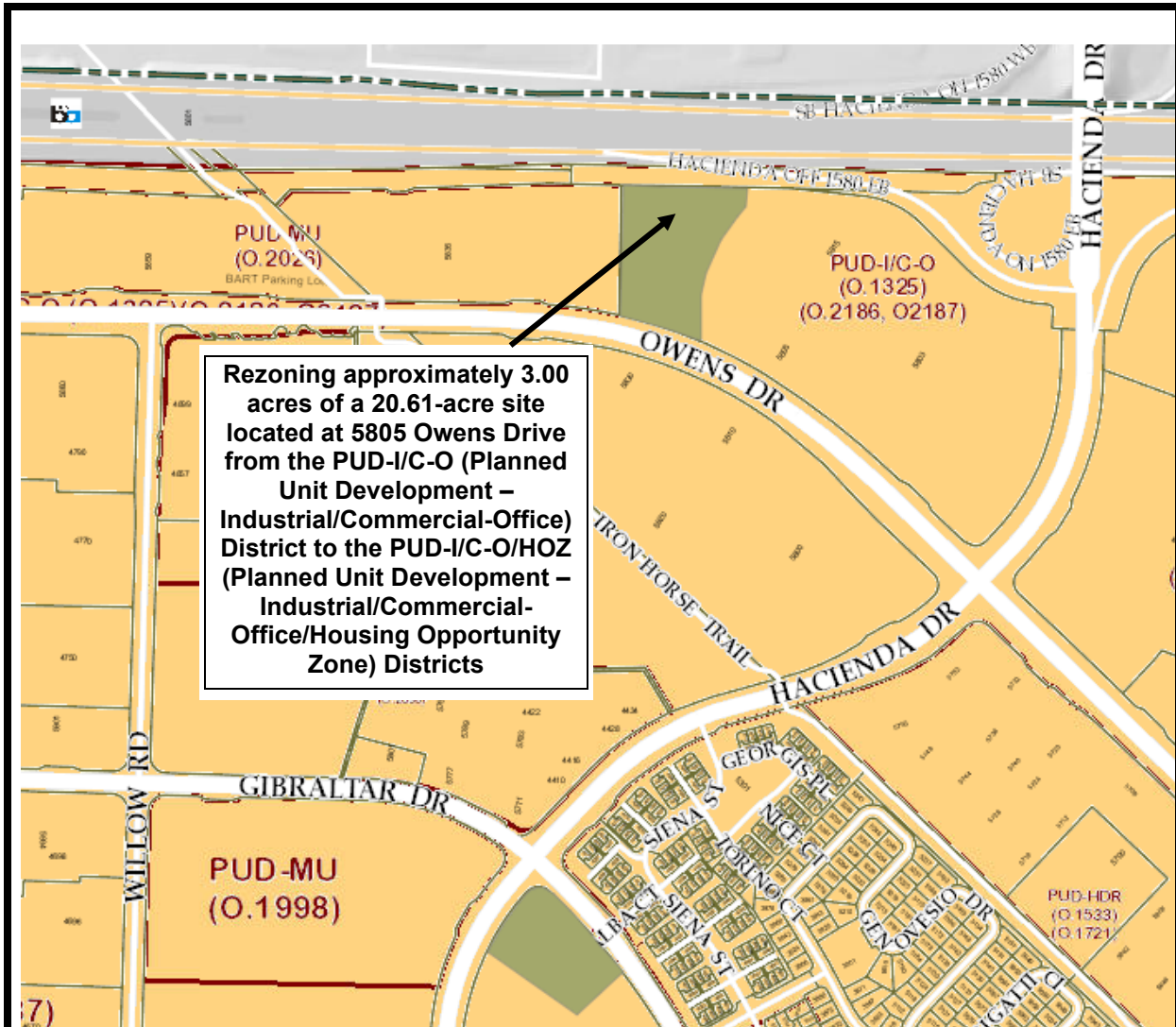
ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A



**CITY OF PLEASANTON
PLANNING DIVISION**

**Ordinance No. 2261
Zoning Unit Map No.**

DRAWN BY:
E.Luchini

APPROVED BY:

DATE:
December 5, 2023

SCALE:
1" = 600'

SEC. NO.:
P23-0608

**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2262 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING
THE CITY-INITIATED REZONING OF 4003, 4005, AND 4011 PIMLICO DRIVE TO C-
F/HOZ (FREEWAY COMMERCIAL/HOUSING OPPORTUNITY ZONE) AND PUD-
C/HOZ (PLANNED UNIT DEVELOPMENT-COMMERCIAL/HOUSING OPPORTUNITY
ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608**

The foregoing Ordinance No. 2262 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

ORDINANCE NO. 2262

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF 4003, 4005, AND 4011 PIMLICO DRIVE TO C-F/HOZ (FREEWAY COMMERCIAL/HOUSING OPPORTUNITY ZONE) AND PUD-C/HOZ (PLANNED UNIT DEVELOPMENT-COMMERCIAL/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608

WHEREAS, the City of Pleasanton has adopted its Housing Element on January 26, 2023, June 20, 2023, and September 19, 2023, by Resolutions Nos. 23-1358, 23-1406, 23-1414, respectively, and seeks to implement Program 1.1 of the Housing Element to rezone sites identified for housing; and

WHEREAS, the City of Pleasanton has initiated the rezoning of 4003, 4005, AND 4011 Pimlico Drive (the "Property") from C-F (Freeway Commercial) and PUD-C (Planned Unit Development-Commercial) Districts to the C-F/HOZ (Freeway Commercial/Housing Opportunity Zone) and PUD-C/HOZ (Planned Unit Development-Commercial/Housing Opportunity Zone) Districts (the "Rezoning") to implement Program 1.1; and

WHEREAS, the Planning Commission held a noticed public hearing on November 8, 2023, regarding this Rezoning and recommended approval to the City Council; and

WHEREAS, the City Council held a noticed public meeting on December 5, 2023, reviewed the materials, and received a staff report and public comment regarding this Rezoning; and

WHEREAS, this Rezoning implements the policies and programs of the 2023-2031 (6th Cycle) Housing Element Update considered in the Program Environmental Impact Report (State Clearinghouse No. 2022040091) which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the Rezoning of the Property is consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. The City Council finds that the Rezoning is consistent with the General Plan, as amended.

SECTION 3. The rezoning of approximately 3.07 acres of 4003, 4005, AND 4011 Pimlico Drive from C-F (Freeway Commercial) and PUD-C (Planned Unit Development-Commercial) Districts to the C-F/HOZ (Freeway Commercial/Housing Opportunity Zone) and PUD-C/HOZ (Planned Unit Development-Commercial/Housing Opportunity Zone) Districts is hereby approved.

SECTION 4. The uses allowed and development standards applicable to this Property are those which were in effective prior to this rezoning, plus the ability to develop the Property with housing consistent with the HOZ District provisions in Municipal Code Chapter 18.30, the Housing Site Compliance Review provisions in Municipal Code Chapter 18.22, and the Objective Design Standards for Housing Sites adopted by Resolution No. 23-1386, as amended.

SECTION 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by the

Zoning Map attached hereto as Exhibit A, dated December 5, 2023, and incorporated herein by this reference.

SECTION 6. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

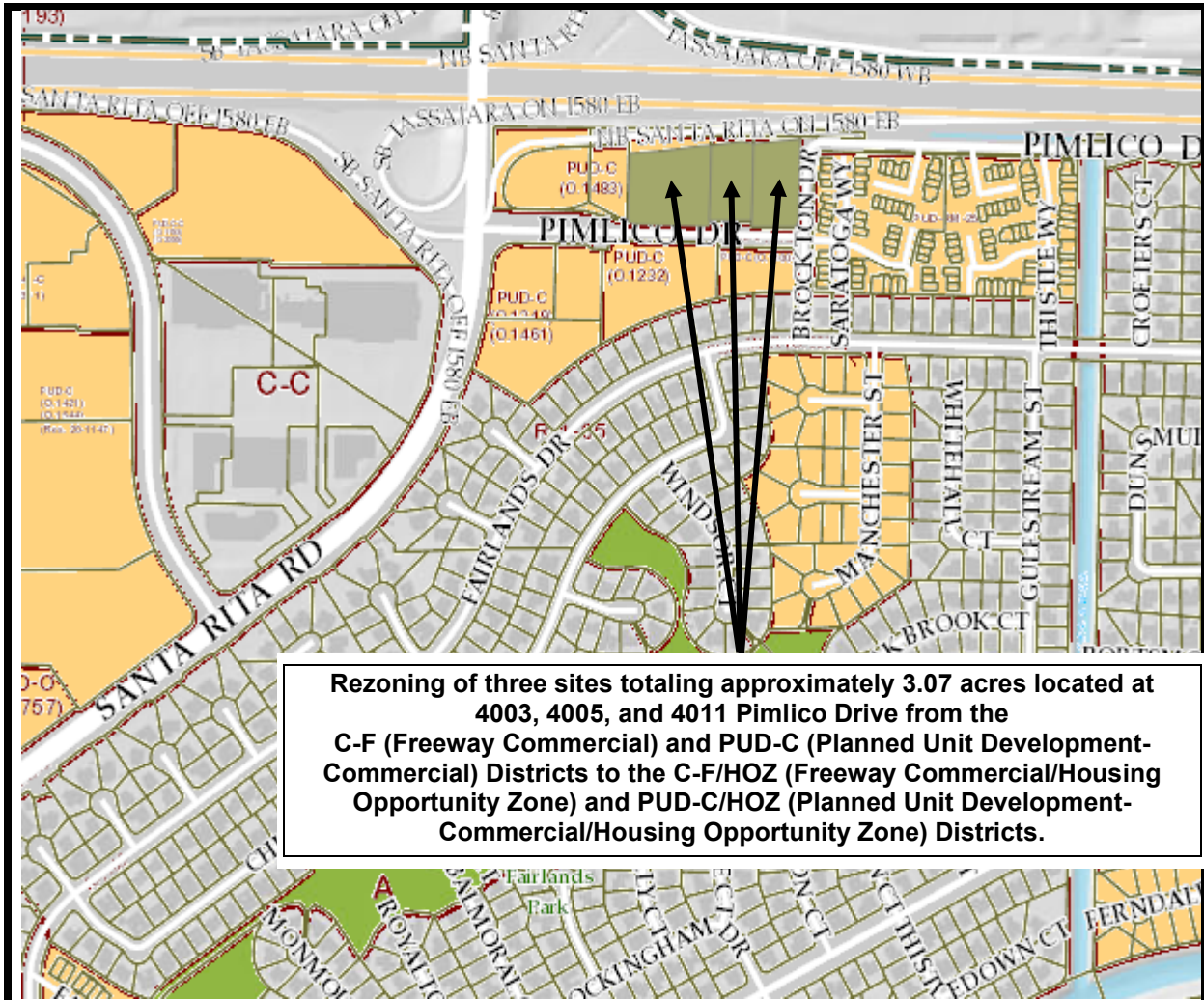
ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A



Rezoning of three sites totaling approximately 3.07 acres located at 4003, 4005, and 4011 Pimlico Drive from the C-F (Freeway Commercial) and PUD-C (Planned Unit Development-Commercial) Districts to the C-F/HOZ (Freeway Commercial/Housing Opportunity Zone) and PUD-C/HOZ (Planned Unit Development-Commercial/Housing Opportunity Zone) Districts.

CITY OF PLEASANTON PLANNING DIVISION

Ordinance No. 2262 Zoning Unit Map No.

DRAWN BY:
E.Luchini

APPROVED BY:

DATE:
December 5, 2023

SCALE:
1" = 600'

SEC. NO.:
P23-0608

**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2263 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING
THE CITY-INITIATED REZONING OF 4750 FIRST STREET TO P/HOZ
(PUBLIC/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE
P23-0608**

The foregoing Ordinance No. 2263 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Mayor Brown
Noes:	None
Absent:	None
Recused:	Councilmember Testa

ORDINANCE NO. 2263

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF 4750 FIRST STREET TO P/HOZ (PUBLIC/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608

WHEREAS, the City of Pleasanton has adopted its Housing Element on January 26, 2023, June 20, 2023, and September 19, 2023, by Resolutions Nos. 23-1358, 23-1406, 23-1414, respectively, and seeks to implement Program 1.1 of the Housing Element to rezone sites identified for housing; and

WHEREAS, the City of Pleasanton has initiated the rezoning of 4750 First Street (the "Property") from P (Public) District to the P/HOZ (Public/Housing Opportunity Zone) Districts (the "Rezoning") to implement Program 1.1; and

WHEREAS, the Planning Commission held a noticed public hearing on November 8, 2023, regarding this Rezoning and recommended approval to the City Council; and

WHEREAS, the City Council held a noticed public meeting on December 5, 2023, reviewed the materials, and received a staff report and public comment regarding this Rezoning; and

WHEREAS, this Rezoning implements the policies and programs of the 2023-2031 (6th Cycle) Housing Element Update considered in the Program Environmental Impact Report (State Clearinghouse No. 2022040091) which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the Rezoning of the Property is consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. The City Council finds that the Rezoning is consistent with the General Plan, as amended.

SECTION 3. The rezoning of approximately 10.68 acres of 4750 First Street from P (Public) District to the P/HOZ (Public/Housing Opportunity Zone) Districts is hereby approved.

SECTION 4. The uses allowed and development standards applicable to this Property are those which were in effective prior to this rezoning, plus the ability to develop the Property with housing consistent with the HOZ District provisions in Municipal Code Chapter 18.30, the Housing Site Compliance Review provisions in Municipal Code Chapter 18.22, and the Objective Design Standards for Housing Sites adopted by Resolution No. 23-1386, as amended.

SECTION 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by the Zoning Map attached hereto as Exhibit A, dated December 5, 2023, and incorporated herein by this reference.

SECTION 6. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the

City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, and adopted on December 19, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

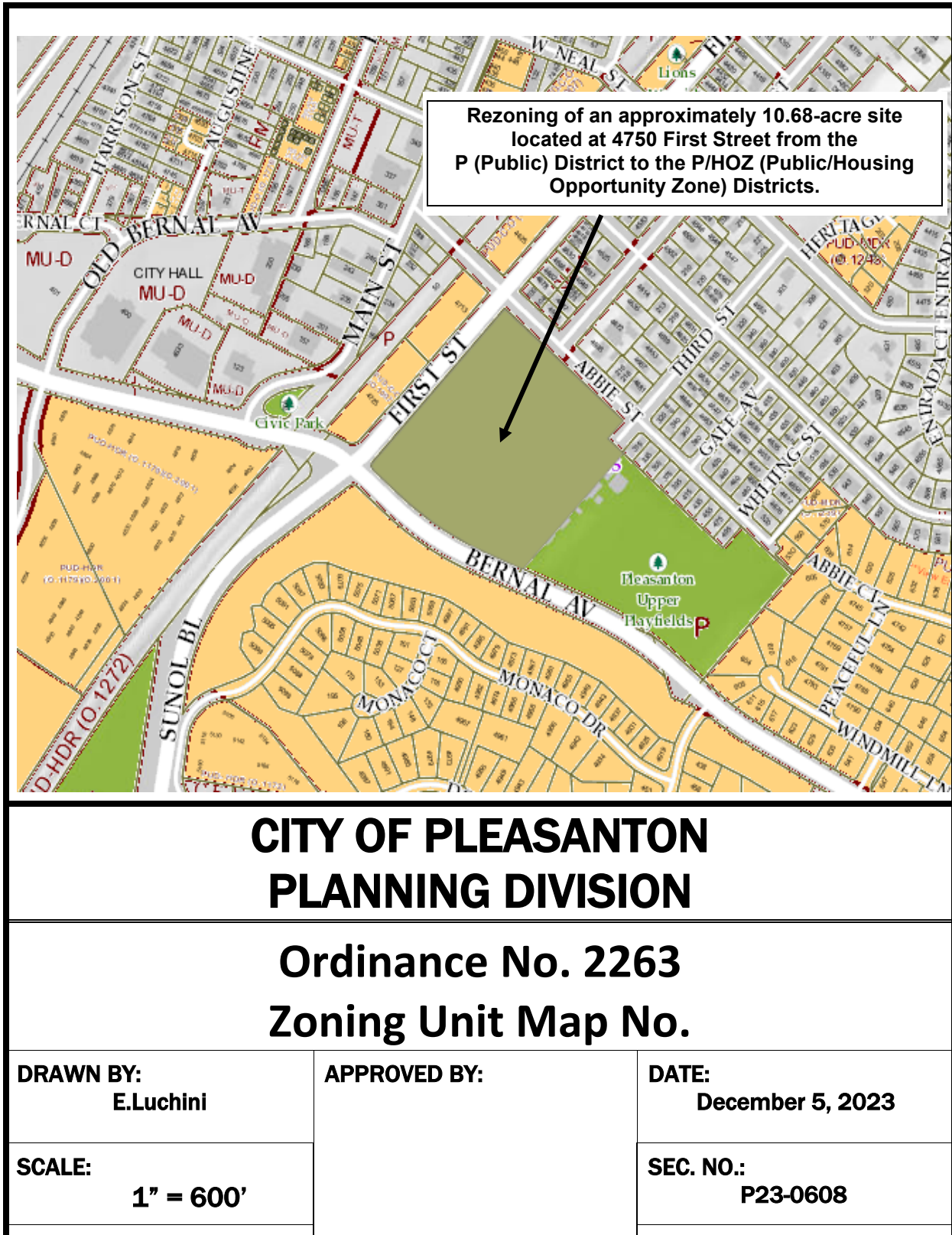
ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A



**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2264 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING
THE CITY-INITIATED REZONING OF APN 946 461900100 TO PUD-Elementary
School/HOZ (PLANNED UNIT DEVELOPMENT-ELEMENTARY SCHOOL/HOUSING
OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608**

The foregoing Ordinance No. 2264 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

ORDINANCE NO. 2264

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF APN 946 461900100 TO PUD-ELEMENTARY SCHOOL/HOZ (PLANNED UNIT DEVELOPMENT-ELEMENTARY SCHOOL/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608

WHEREAS, the City of Pleasanton has adopted its Housing Element on January 26, 2023, June 20, 2023, and September 19, 2023, by Resolutions Nos. 23-1358, 23-1406, 23-1414, respectively, and seeks to implement Program 1.1 of the Housing Element to rezone sites identified for housing; and

WHEREAS, the City of Pleasanton has initiated the rezoning of APN 946 461900100 (the "Property") from PUD-Elementary School (Planned Unit Development-Elementary School) District to the PUD-Elementary School/HOZ (Planned Unit Development-Elementary School/Housing Opportunity Zone) Districts (the "Rezoning") to implement Program 1.1; and

WHEREAS, the Planning Commission held a noticed public hearing on November 8, 2023, regarding this Rezoning and recommended approval to the City Council; and

WHEREAS, the City Council held a noticed public meeting on December 5, 2023, reviewed the materials, and received a staff report and public comment regarding this Rezoning; and

WHEREAS, this Rezoning implements the policies and programs of the 2023-2031 (6th Cycle) Housing Element Update considered in the Program Environmental Impact Report (State Clearinghouse No. 2022040091) which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the Rezoning of the Property is consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. The City Council finds that the Rezoning is consistent with the General Plan, as amended.

SECTION 3. The rezoning of approximately 7.00 of 10.64 acres of APN 946 461900100 (the "Property") from PUD-Elementary School (Planned Unit Development-Elementary School) District to the PUD-Elementary School/HOZ (Planned Unit Development-Elementary School/Housing Opportunity Zone) Districts is hereby approved.

SECTION 4. The uses allowed and development standards applicable to this Property are those which were in effective prior to this rezoning, plus the ability to develop the Property with housing consistent with the HOZ District provisions in Municipal Code Chapter 18.30, the Housing Site Compliance Review provisions in Municipal Code Chapter 18.22, and the Objective Design Standards for Housing Sites adopted by Resolution No. 23-1386, as amended.

SECTION 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by the

Zoning Map attached hereto as Exhibit A, dated December 5, 2023, and incorporated herein by this reference.

SECTION 6. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

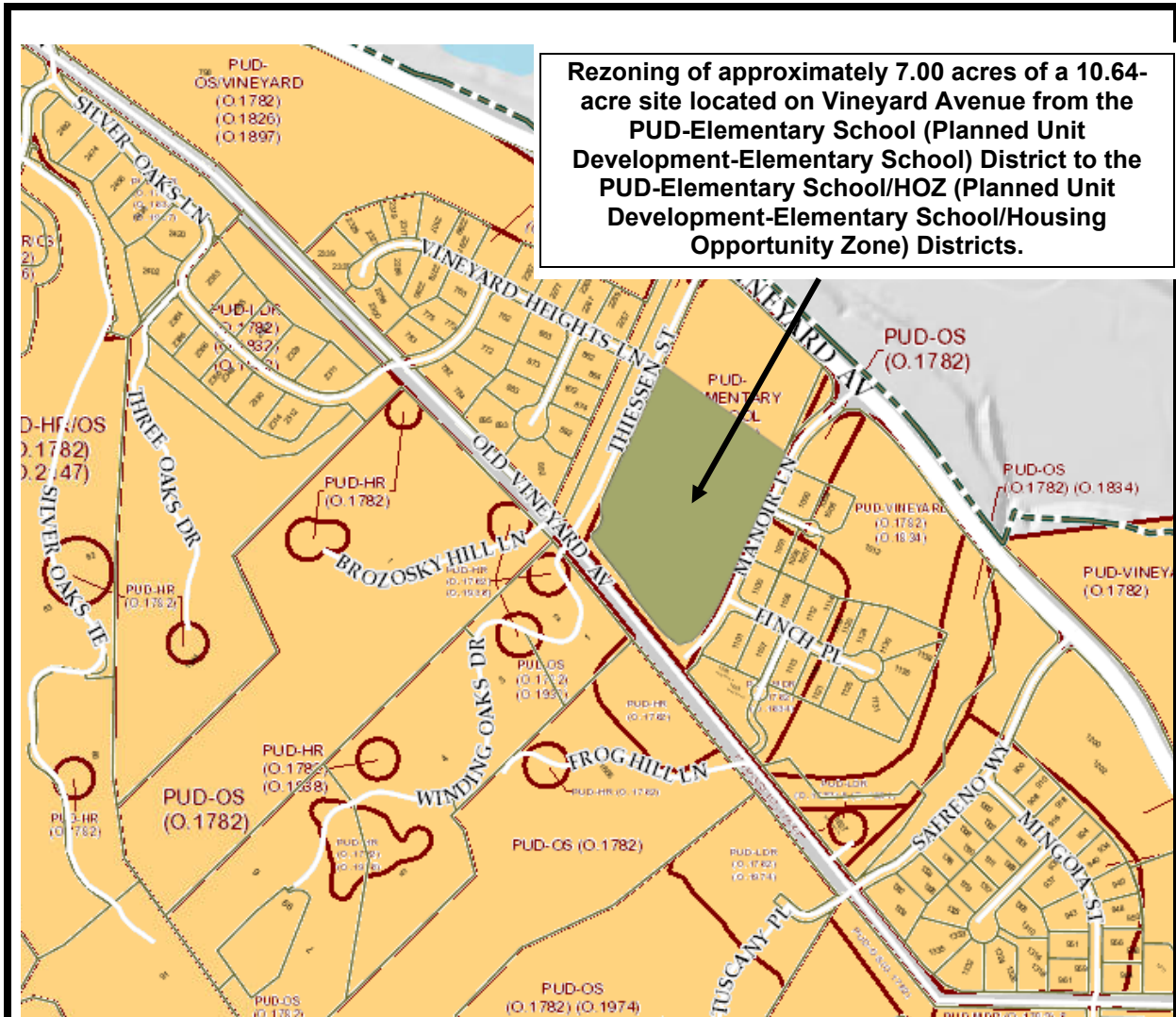
ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A



**CITY OF PLEASANTON
PLANNING DIVISION**

Ordinance No. 2264
Zoning Unit Map No.

DRAWN BY:
E.Luchini

APPROVED BY:

DATE:
December 5, 2023

SCALE: **1" = 600'**

SEC. NO.:
P23-0608

**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2265 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING
THE CITY-INITIATED REZONING OF 4900 and 5000 HOPYARD ROAD TO PUD-I/C-
O/HOZ (PLANNED UNIT DEVELOPMENT – INDUSTRIAL/COMMERCIAL-
OFFICE/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE
P23-0608**

The foregoing Ordinance No. 2265 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

ORDINANCE NO. 2265

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF 4900 and 5000 HOPYARD ROAD TO PUD-I/C-O/HOZ (PLANNED UNIT DEVELOPMENT – INDUSTRIAL/COMMERCIAL-OFFICE/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608

WHEREAS, the City of Pleasanton has adopted its Housing Element on January 26, 2023, June 20, 2023, and September 19, 2023, by Resolutions Nos. 23-1358, 23-1406, 23-1414, respectively, and seeks to implement Program 1.1 of the Housing Element to rezone sites identified for housing; and

WHEREAS, the City of Pleasanton has initiated the rezoning of 4900 and 5000 Hopyard Road (the “Property”) from PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District to the PUD-I/C-O/HOZ (Planned Unit Development – Industrial/Commercial-Office/Housing Opportunity Zone) Districts (the “Rezoning”) to implement Program 1.1; and

WHEREAS, the Planning Commission held a noticed public hearing on November 8, 2023, regarding this Rezoning and recommended approval to the City Council; and

WHEREAS, the City Council held a noticed public meeting on December 5, 2023, reviewed the materials, and received a staff report and public comment regarding this Rezoning; and

WHEREAS, this Rezoning implements the policies and programs of the 2023-2031 (6th Cycle) Housing Element Update considered in the Program Environmental Impact Report (State Clearinghouse No. 2022040091) which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the Rezoning of the Property is consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. The City Council finds that the Rezoning is consistent with the General Plan, as amended.

SECTION 3. The rezoning of approximately 14.66 acres of 4900 and 5000 Hopyard Road from PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District to the PUD-I/C-O/HOZ (Planned Unit Development – Industrial/Commercial-Office/Housing Opportunity Zone) Districts is hereby approved.

SECTION 4. The uses allowed and development standards applicable to this Property are those which were in effective prior to this rezoning, plus the ability to develop the Property with housing consistent with the HOZ District provisions in Municipal Code Chapter 18.30, the Housing Site Compliance Review provisions in Municipal Code Chapter 18.22, and the Objective Design Standards for Housing Sites adopted by Resolution No. 23-1386, as amended.

SECTION 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by the

Zoning Map attached hereto as Exhibit A, dated December 5, 2023, and incorporated herein by this reference.

SECTION 6. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, and adopted on December 19, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

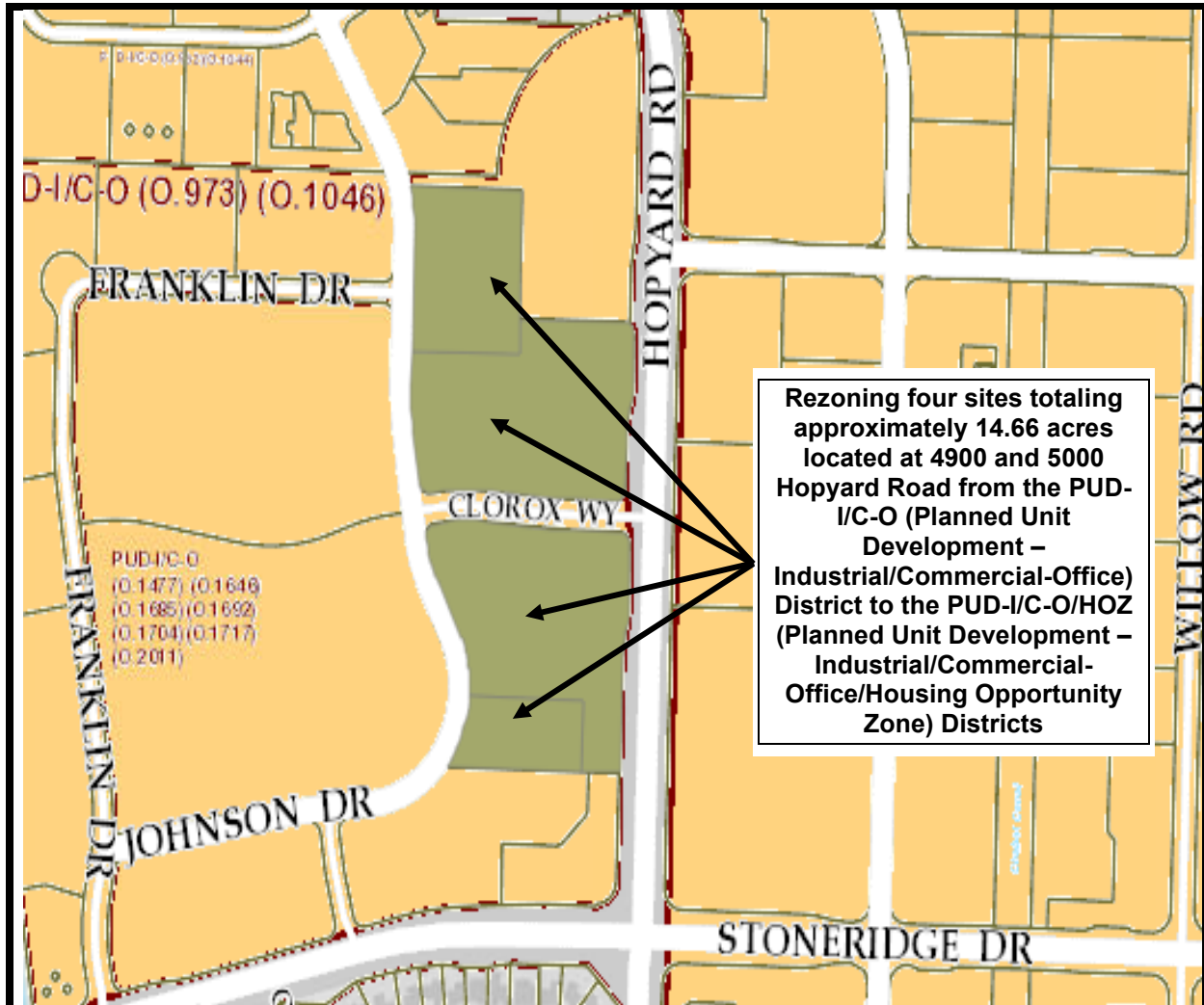
ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A



**CITY OF PLEASANTON
PLANNING DIVISION**

**Ordinance No. 2265
Zoning Unit Map No.**

DRAWN BY:
E.Luchini

APPROVED BY:

DATE:
December 5, 2023

SCALE:
1" = 600'

SEC. NO.:
P23-0608

**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2266 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING
THE CITY-INITIATED REZONING OF 3999 BERNAL AVENUE TO THE A/HOZ
(AGRICULTURE/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER
CASE P23-0608**

The foregoing Ordinance No. 2266 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Recused:	Councilmember Balch

ORDINANCE NO. 2266

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF 3999 BERNAL AVENUE TO THE A/HOZ (AGRICULTURE/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608

WHEREAS, the City of Pleasanton has adopted its Housing Element on January 26, 2023, June 20, 2023, and September 19, 2023, by Resolutions Nos. 23-1358, 23-1406, 23-1414, respectively, and seeks to implement Program 1.1 of the Housing Element to rezone sites identified for housing; and

WHEREAS, the City of Pleasanton has initiated the rezoning of 3999 Bernal Avenue (the "Property") from A (Agriculture) District to the A/HOZ (Agriculture/Housing Opportunity Zone) Districts (the "Rezoning") to implement Program 1.1; and

WHEREAS, the Planning Commission held a noticed public hearing on November 8, 2023, regarding this Rezoning and recommended approval to the City Council; and

WHEREAS, the City Council held a noticed public meeting on December 5, 2023, reviewed the materials, and received a staff report and public comment regarding this Rezoning; and

WHEREAS, this Rezoning implements the policies and programs of the 2023-2031 (6th Cycle) Housing Element Update considered in the Program Environmental Impact Report (State Clearinghouse No. 2022040091) which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the Rezoning of the Property is consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. The City Council finds that the Rezoning is consistent with the General Plan, as amended.

SECTION 3. The rezoning of approximately 4.20 of 6.40 acres of 3999 Bernal Avenue from A (Agriculture) District to the A/HOZ (Agriculture/Housing Opportunity Zone) Districts is hereby approved.

SECTION 4. The uses allowed and development standards applicable to this Property are those which were in effective prior to this rezoning, plus the ability to develop the Property with housing consistent with the HOZ District provisions in Municipal Code Chapter 18.30, the Housing Site Compliance Review provisions in Municipal Code Chapter 18.22, and the Objective Design Standards for Housing Sites adopted by Resolution No. 23-1386, as amended.

SECTION 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by the Zoning Map attached hereto as Exhibit A, dated December 5, 2023, and incorporated herein by this reference.

SECTION 6. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in “The Valley Times,” a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk’s office within fifteen (15) days after its adoption.

SECTION 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, and adopted on December 19, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

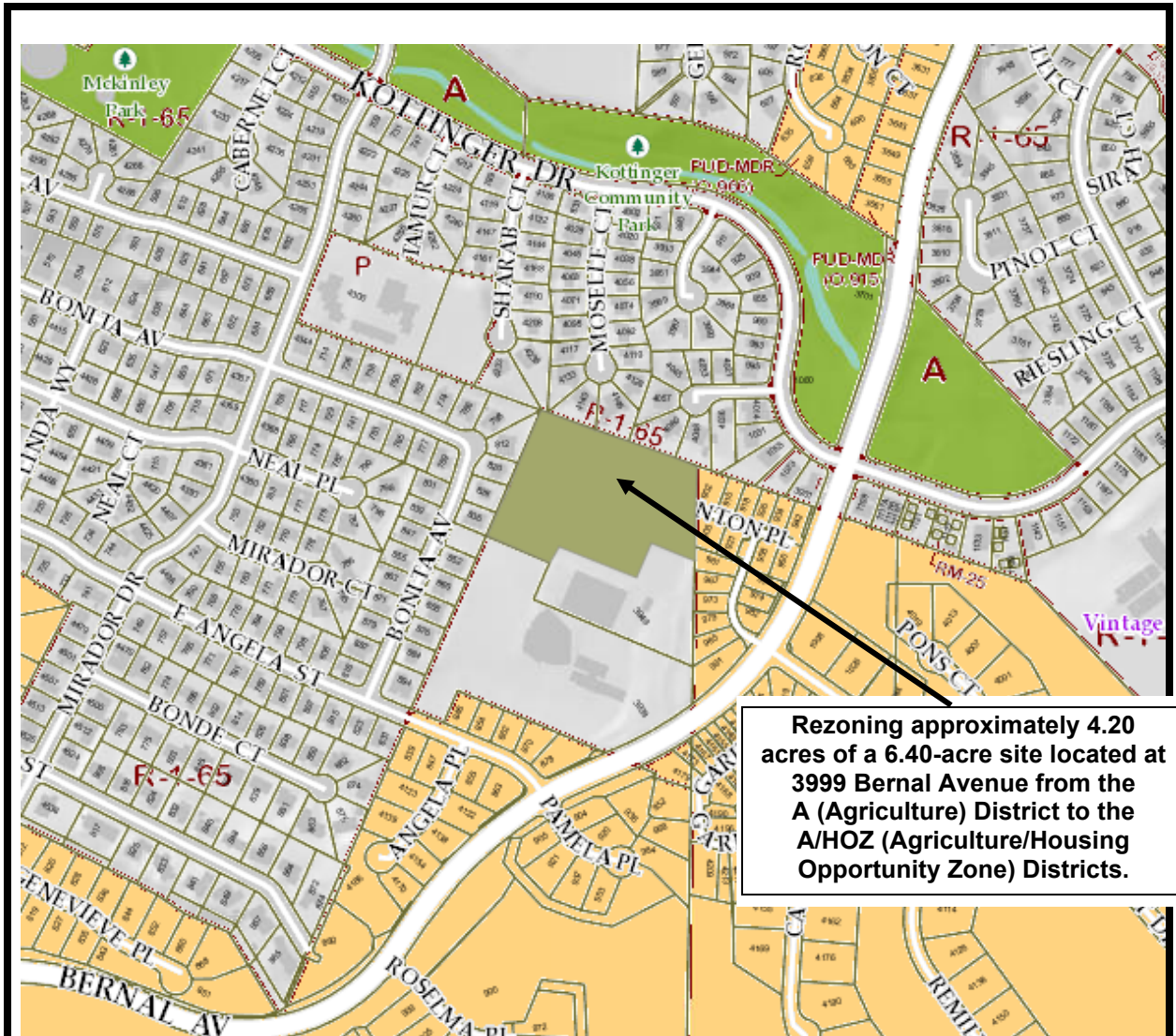
ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A



**CITY OF PLEASANTON
PLANNING DIVISION**

**Ordinance No. 2266
Zoning Unit Map No.**

DRAWN BY:
E.Luchini

APPROVED BY:

DATE:
December 5, 2023

SCALE:
1" = 600'

SEC. NO.:
P23-0608

**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2267 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING
THE CITY-INITIATED REZONING OF APN 946 455001704 TO A/HOZ
(AGRICULTURE/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER
CASE P23-0608**

The foregoing Ordinance No. 2267 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

ORDINANCE NO. 2267

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF APN 946 455001704 TO A/HOZ (AGRICULTURE/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608

WHEREAS, the City of Pleasanton has adopted its Housing Element on January 26, 2023, June 20, 2023, and September 19, 2023, by Resolutions Nos. 23-1358, 23-1406, 23-1414, respectively, and seeks to implement Program 1.1 of the Housing Element to rezone sites identified for housing; and

WHEREAS, the City of Pleasanton has initiated the rezoning of APN 946 455001704 (the "Property") from A (Agriculture) District to the A/HOZ (Agriculture/Housing Opportunity Zone) Districts (the "Rezoning") to implement Program 1.1; and

WHEREAS, the Planning Commission held a noticed public hearing on November 8, 2023, regarding this Rezoning and recommended approval to the City Council; and

WHEREAS, the City Council held a noticed public meeting on December 5, 2023, reviewed the materials, and received a staff report and public comment regarding this Rezoning; and

WHEREAS, this Rezoning implements the policies and programs of the 2023-2031 (6th Cycle) Housing Element Update considered in the Program Environmental Impact Report (State Clearinghouse No. 2022040091) which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the Rezoning of the Property is consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. The City Council finds that the Rezoning is consistent with the General Plan, as amended.

SECTION 3. The rezoning of approximately 2.94 acres of APN 946 455001704 (the "Property") from A (Agriculture) District to the A/HOZ (Agriculture/Housing Opportunity Zone) Districts is hereby approved.

SECTION 4. The uses allowed and development standards applicable to this Property are those which were in effective prior to this rezoning, plus the ability to develop the Property with housing consistent with the HOZ District provisions in Municipal Code Chapter 18.30, the Housing Site Compliance Review provisions in Municipal Code Chapter 18.22, and the Objective Design Standards for Housing Sites adopted by Resolution No. 23-1386, as amended.

SECTION 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by the Zoning Map attached hereto as Exhibit A, dated December 5, 2023, and incorporated herein by this reference.

SECTION 6. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in “The Valley Times,” a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk’s office within fifteen (15) days after its adoption.

SECTION 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, and adopted on December 19, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

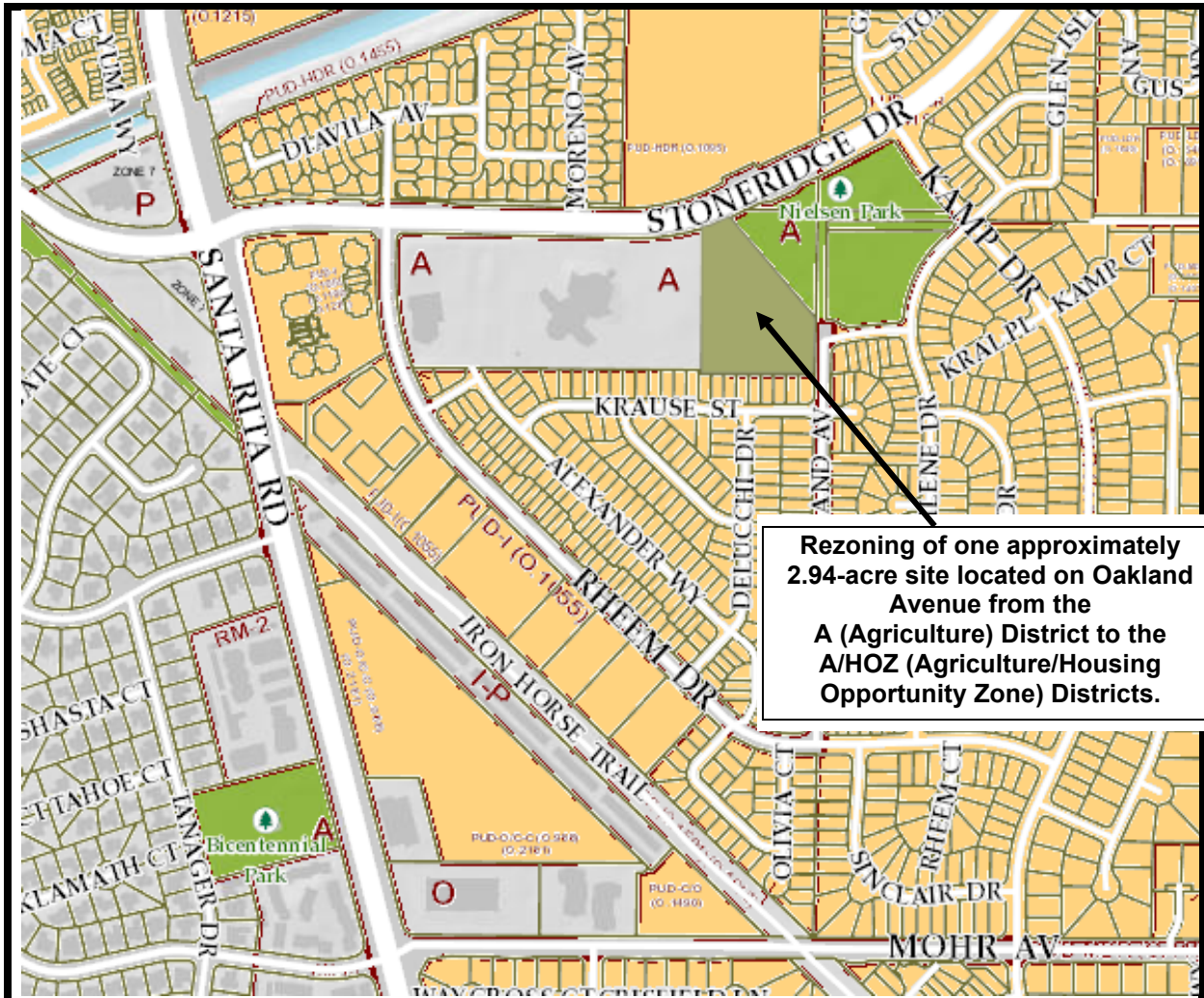
ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A



**CITY OF PLEASANTON
PLANNING DIVISION**

**Ordinance No. 2267
Zoning Unit Map No.**

DRAWN BY:

E.Luchini

APPROVED BY:

DATE:

December 5, 2023

SCALE:

1" = 600'

SEC. NO.:

P23-0608

**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2268 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING
THE CITY-INITIATED REZONING OF 1008, 1300, 1400, 1500, 1700, AND 2651
STONERIDGE MALL ROAD TO C-R (M)/HOZ (REGIONAL COMMERCIAL/HOUSING
OPPORTUNITY ZONE) AND C-R (M)/PUD-MU/HOZ (REGIONAL
COMMERCIAL/PLANNED UNIT DEVELOPMENT-MIXED USE/HOUSING
OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608**

The foregoing Ordinance No. 2268 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

ORDINANCE NO. 2268

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF 1008, 1300, 1400, 1500, 1700, AND 2651 STONERIDGE MALL ROAD TO C-R (M)/HOZ (REGIONAL COMMERCIAL/HOUSING OPPORTUNITY ZONE) AND C-R (M)/PUD-MU/HOZ (REGIONAL COMMERCIAL/PLANNED UNIT DEVELOPMENT-MIXED USE/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608

WHEREAS, the City of Pleasanton has adopted its Housing Element on January 26, 2023, June 20, 2023, and September 19, 2023, by Resolutions Nos. 23-1358, 23-1406, 23-1414, respectively, and seeks to implement Program 1.1 of the Housing Element to rezone sites identified for housing; and

WHEREAS, the City of Pleasanton has initiated the rezoning of 1008, 1300, 1400, 1500, 1700, and 2651 Stoneridge Mall Road (the "Property") from C-R (m) (Regional Commercial) and C-R (m)/PUD-MU (Regional Commercial/Planned Unit Development-Mixed Use) Districts to the C-R (m)/HOZ (Regional Commercial/Housing Opportunity Zone) and C-R (m)/PUD-MU/HOZ (Regional Commercial/Planned Unit Development-Mixed Use/Housing Opportunity Zone) Districts (the "Rezoning") to implement Program 1.1; and

WHEREAS, the Planning Commission held a noticed public hearing on November 8, 2023, regarding this Rezoning and recommended approval to the City Council; and

WHEREAS, the City Council held a noticed public meeting on December 5, 2023, reviewed the materials, and received a staff report and public comment regarding this Rezoning; and

WHEREAS, this Rezoning implements the policies and programs of the 2023-2031 (6th Cycle) Housing Element Update considered in the Program Environmental Impact Report (State Clearinghouse No. 2022040091) which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the Rezoning of the Property is consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. The City Council finds that the Rezoning is consistent with the General Plan, as amended.

SECTION 3. The rezoning of approximately 18.00 of 74.57 acres of 1008, 1300, 1400, 1500, 1700, and 2651 Stoneridge Mall Road from C-R (m) (Regional Commercial) and C-R (m)/PUD-MU (Regional Commercial/Planned Unit Development-Mixed Use) Districts to the C-R (m)/HOZ (Regional Commercial/Housing Opportunity Zone) and C-R (m)/PUD-MU/HOZ (Regional Commercial/Planned Unit Development-Mixed Use/Housing Opportunity Zone) Districts is hereby approved.

SECTION 4. The uses allowed and development standards applicable to this Property are those which were in effective prior to this rezoning, plus the ability to develop the Property with housing consistent with the HOZ District provisions in Municipal Code Chapter 18.30, the Housing Site Compliance Review provisions in Municipal Code Chapter 18.22, and the Objective Design Standards for Housing Sites adopted by Resolution No. 23-1386, as amended.

SECTION 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by the Zoning Map attached hereto as Exhibit A, dated December 5, 2023, and incorporated herein by this reference.

SECTION 6. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, and adopted on December 19, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

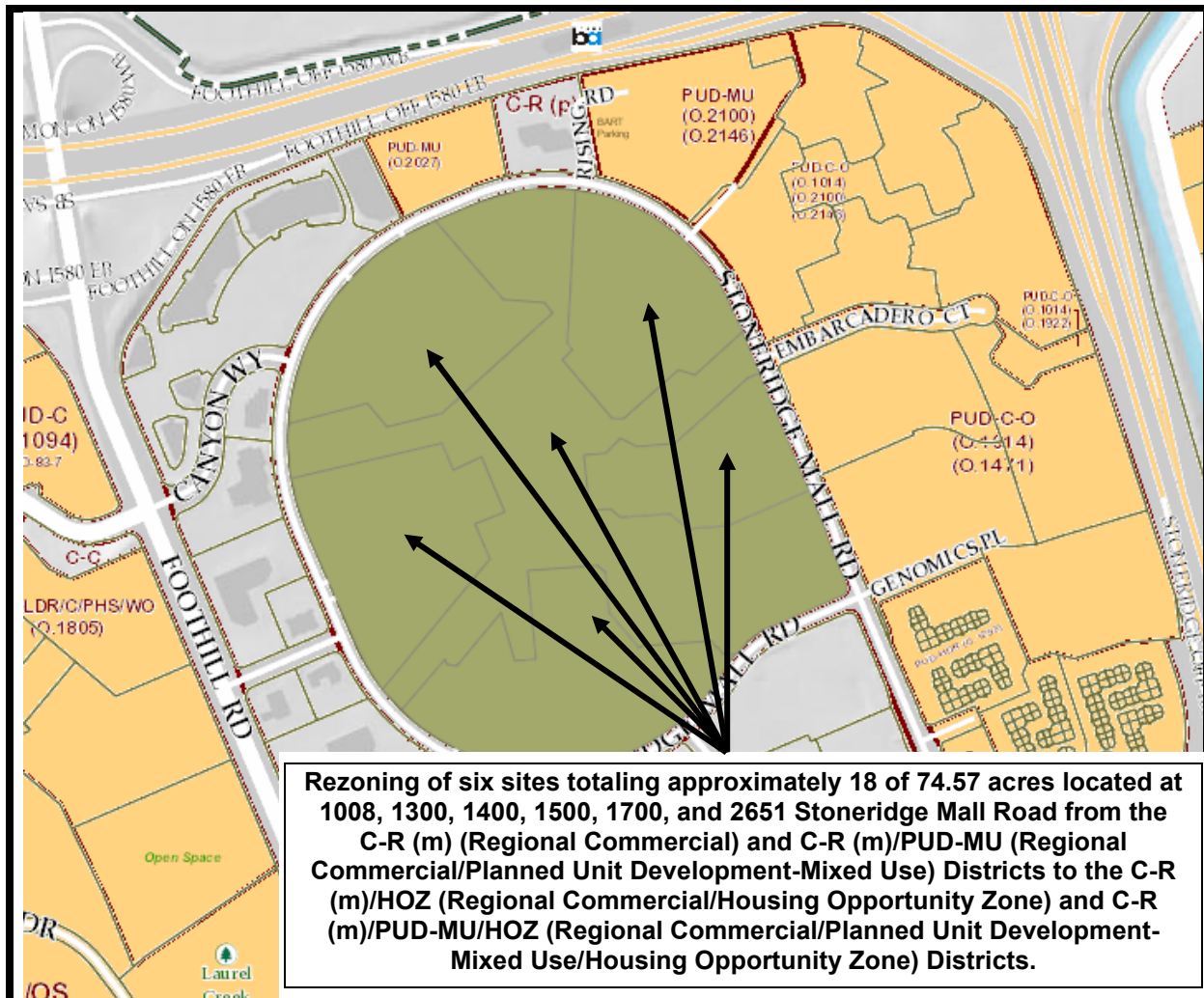
ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A



**CITY OF PLEASANTON
PLANNING DIVISION**

Ordinance No. 2268
Zoning Unit Map No.

DRAWN BY:
E.Luchini

APPROVED BY:

DATE:
December 5, 2023

SCALE: **1" = 600'**

SEC. NO.:
P23-0608

**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2269 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING
THE CITY-INITIATED REZONING OF 5505, 5511, AND 5675 SUNOL BOULEVARD
TO I-P/HOZ (INDUSTRIAL PARK/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS
FILED UNDER CASE P23-0608**

The foregoing Ordinance No. 2269 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

ORDINANCE NO. 2269

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF 5505, 5511, AND 5675 SUNOL BOULEVARD TO I-P/HOZ (INDUSTRIAL PARK/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608

WHEREAS, the City of Pleasanton has adopted its Housing Element on January 26, 2023, June 20, 2023, and September 19, 2023, by Resolutions Nos. 23-1358, 23-1406, 23-1414, respectively, and seeks to implement Program 1.1 of the Housing Element to rezone sites identified for housing; and

WHEREAS, the City of Pleasanton has initiated the rezoning of 5505, 5511, and 5675 Sunol Boulevard (the "Property") from I-P (Industrial Park) District to the I-P/HOZ (Industrial Park/Housing Opportunity Zone) Districts (the "Rezoning") to implement Program 1.1; and

WHEREAS, the Planning Commission held a noticed public hearing on November 8, 2023, regarding this Rezoning and recommended approval to the City Council; and

WHEREAS, the City Council held a noticed public meeting on December 5, 2023, reviewed the materials, and received a staff report and public comment regarding this Rezoning; and

WHEREAS, this Rezoning implements the policies and programs of the 2023-2031 (6th Cycle) Housing Element Update considered in the Program Environmental Impact Report (State Clearinghouse No. 2022040091) which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the Rezoning of the Property is consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. The City Council finds that the Rezoning is consistent with the General Plan, as amended.

SECTION 3. The rezoning of approximately 15.29 acres of 5505, 5511, and 5675 Sunol Boulevard from I-P (Industrial Park) District to the I-P/HOZ (Industrial Park/Housing Opportunity Zone) Districts is hereby approved.

SECTION 4. The uses allowed and development standards applicable to this Property are those which were in effective prior to this rezoning, plus the ability to develop the Property with housing consistent with the HOZ District provisions in Municipal Code Chapter 18.30, the Housing Site Compliance Review provisions in Municipal Code Chapter 18.22, and the Objective Design Standards for Housing Sites adopted by Resolution No. 23-1386, as amended.

SECTION 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by the Zoning Map attached hereto as Exhibit A, dated December 5, 2023, and incorporated herein by this reference.

SECTION 6. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in “The Valley Times,” a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk’s office within fifteen (15) days after its adoption.

SECTION 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, on December 19, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

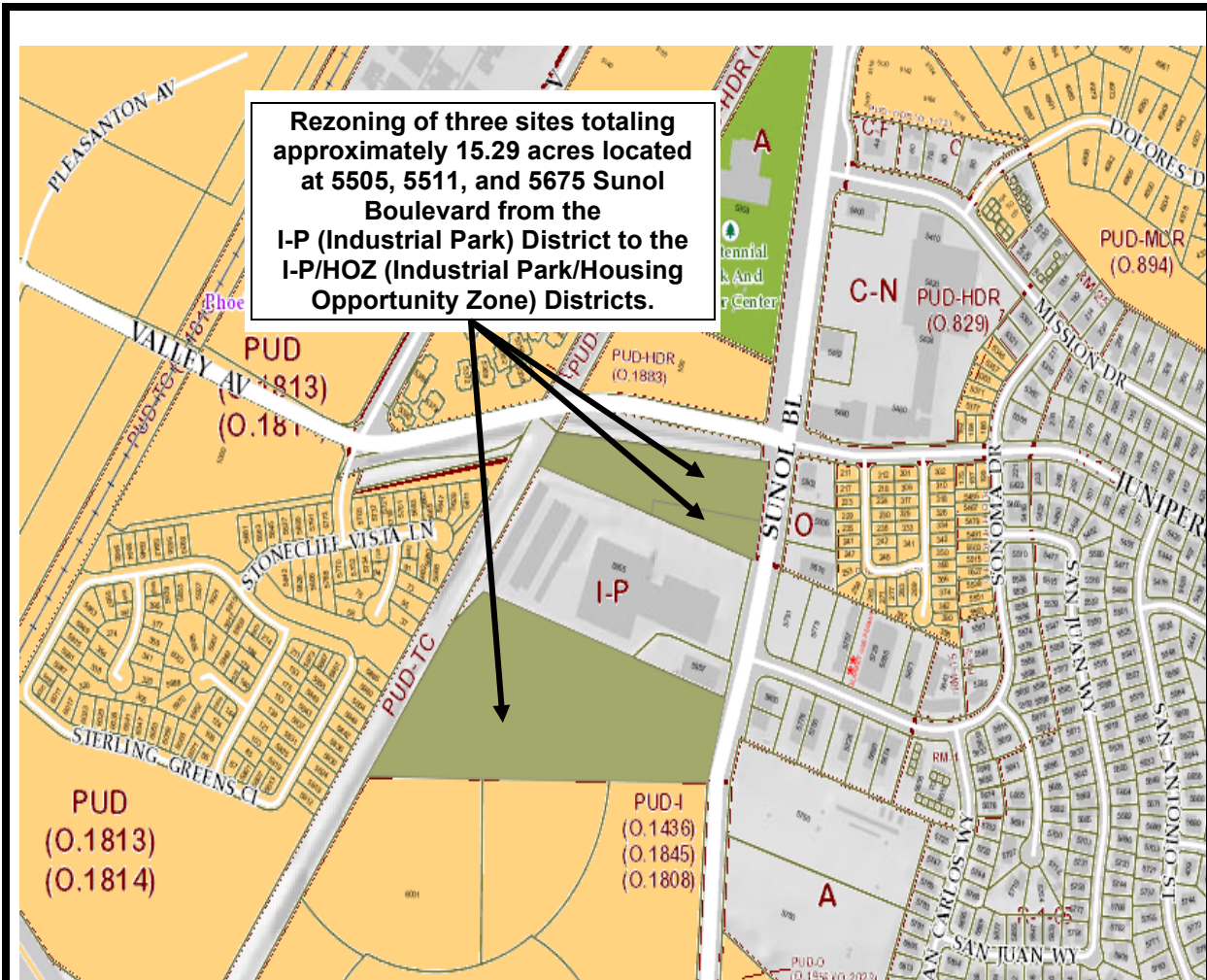
ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A



**CITY OF PLEASANTON
PLANNING DIVISION**

**Ordinance No. 2269
Zoning Unit Map No.**

DRAWN BY:
E.Luchini

APPROVED BY:

DATE:
December 5, 2023

SCALE:
1" = 600'

SEC. NO.:
P23-0608

**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2270 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING
THE CITY-INITIATED REZONING OF 2025 SANTA RITA ROAD TO C-F/HOZ
(FREEWAY COMMERCIAL/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED
UNDER CASE P23-0608**

The foregoing Ordinance No. 2270 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

ORDINANCE NO. 2270

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF 2025 SANTA RITA ROAD TO C-F/HOZ (FREEWAY COMMERCIAL/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608

WHEREAS, the City of Pleasanton has adopted its Housing Element on January 26, 2023, June 20, 2023, and September 19, 2023, by Resolutions Nos. 23-1358, 23-1406, 23-1414, respectively, and seeks to implement Program 1.1 of the Housing Element to rezone sites identified for housing; and

WHEREAS, the City of Pleasanton has initiated the rezoning of 2025 Santa Rita Road (the "Property") from C-F (Freeway Commercial) District to the C-F/HOZ (Freeway Commercial/Housing Opportunity Zone) Districts (the "Rezoning") to implement Program 1.1; and

WHEREAS, the Planning Commission held a noticed public hearing on November 8, 2023, regarding this Rezoning and recommended approval to the City Council; and

WHEREAS, the City Council held a noticed public meeting on December 5, 2023, reviewed the materials, and received a staff report and public comment regarding this Rezoning; and

WHEREAS, this Rezoning implements the policies and programs of the 2023-2031 (6th Cycle) Housing Element Update considered in the Program Environmental Impact Report (State Clearinghouse No. 2022040091) which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the Rezoning of the Property is consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. The City Council finds that the Rezoning is consistent with the General Plan, as amended.

SECTION 3. The rezoning of approximately 2.30 acres of 2025 Santa Rita Road from C-F (Freeway Commercial) District to the C-F/HOZ (Freeway Commercial/Housing Opportunity Zone) Districts is hereby approved.

SECTION 4. The uses allowed and development standards applicable to this Property are those which were in effective prior to this rezoning, plus the ability to develop the Property with housing consistent with the HOZ District provisions in Municipal Code Chapter 18.30, the Housing Site Compliance Review provisions in Municipal Code Chapter 18.22, and the Objective Design Standards for Housing Sites adopted by Resolution No. 23-1386, as amended.

SECTION 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by the Zoning Map attached hereto as Exhibit A, dated December 5, 2023, and incorporated herein by this reference.

SECTION 6. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in “The Valley Times,” a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk’s office within fifteen (15) days after its adoption.

SECTION 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, and adopted on December 19, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

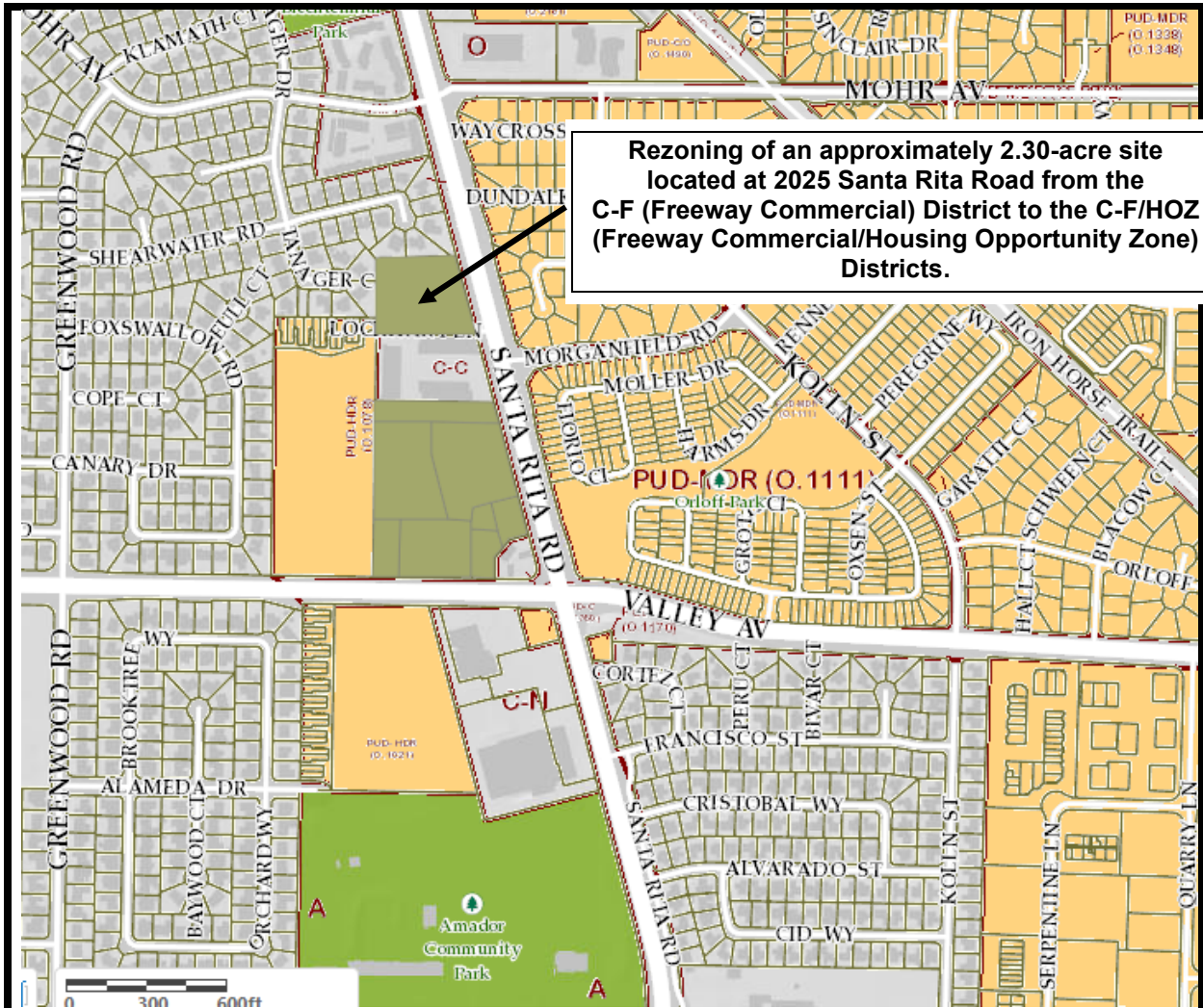
ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A



**CITY OF PLEASANTON
PLANNING DIVISION**

**Ordinance No. 2270
Zoning Unit Map No.**

DRAWN BY:
E.Luchini

APPROVED BY:

DATE:
December 5, 2023

SCALE:
1" = 600'

SEC. NO.:
P23-0608

**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2271 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING
THE CITY-INITIATED REZONING OF 1803, 1807, 1809, AND 1811 Santa Rita Road
AND 4285, 4295, 4303, AND 4305 VALLEY AVENUE TO PUD-C/HOZ (PLANNED
UNIT DEVELOPMENT-COMMERCIAL/HOUSING OPPORTUNITY ZONE) DISTRICTS,
AS FILED UNDER CASE P23-0608**

The foregoing Ordinance No. 2271 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

ORDINANCE NO. 2271

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE CITY-INITIATED REZONING OF 1803, 1807, 1809, AND 1811 SANTA RITA ROAD AND 4285, 4295, 4303, AND 4305 VALLEY AVENUE TO PUD-C/HOZ (PLANNED UNIT DEVELOPMENT-COMMERCIAL/HOUSING OPPORTUNITY ZONE) DISTRICTS, AS FILED UNDER CASE P23-0608

WHEREAS, the City of Pleasanton has adopted its Housing Element on January 26, 2023, June 20, 2023, and September 19, 2023, by Resolutions Nos. 23-1358, 23-1406, 23-1414, respectively, and seeks to implement Program 1.1 of the Housing Element to rezone sites identified for housing; and

WHEREAS, the City of Pleasanton has initiated the rezoning of 1803, 1807, 1809, and 1811 Santa Rita Road and 4285, 4295, 4303, and 4305 Valley Avenue (the "Property") from PUD-C (Planned Unit Development-Commercial) District to the PUD-C/HOZ (Planned Unit Development-Commercial/Housing Opportunity Zone) Districts (the "Rezoning") to implement Program 1.1; and

WHEREAS, the Planning Commission held a noticed public hearing on November 8, 2023, regarding this Rezoning and recommended approval to the City Council; and

WHEREAS, the City Council held a noticed public meeting on December 5, 2023, reviewed the materials, and received a staff report and public comment regarding this Rezoning; and

WHEREAS, this Rezoning implements the policies and programs of the 2023-2031 (6th Cycle) Housing Element Update considered in the Program Environmental Impact Report (State Clearinghouse No. 2022040091) which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the Rezoning of the Property is consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. The City Council finds that the Rezoning is consistent with the General Plan, as amended.

SECTION 3. The rezoning of approximately 7.81 acres of 1803, 1807, 1809, and 1811 Santa Rita Road and 4285, 4295, 4303, and 4305 Valley Avenue from PUD-C (Planned Unit Development-Commercial) District to the PUD-C/HOZ (Planned Unit Development-Commercial/Housing Opportunity Zone) Districts is hereby approved.

SECTION 4. The uses allowed and development standards applicable to this Property are those which were in effective prior to this rezoning, plus the ability to develop the Property with housing consistent with the HOZ District provisions in Municipal Code Chapter 18.30, the Housing Site Compliance Review provisions in Municipal Code Chapter 18.22, and the Objective Design Standards for Housing Sites adopted by Resolution No. 23-1386, as amended.

SECTION 5. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by the Zoning Map attached hereto as Exhibit A, dated December 5, 2023, and incorporated herein by this reference.

SECTION 6. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 7. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, and adopted on December 19, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

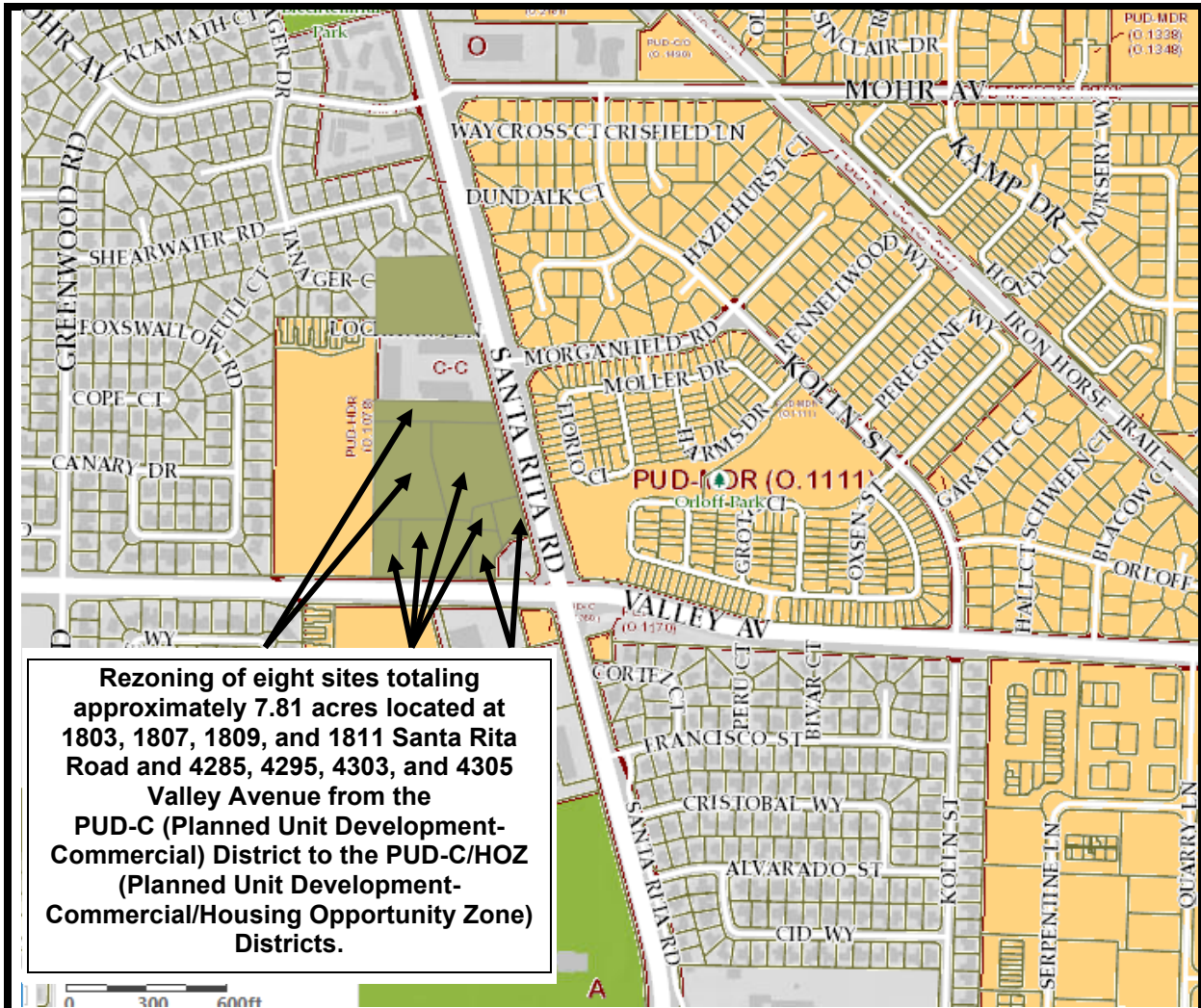
ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A



CITY OF PLEASANTON PLANNING DIVISION

Ordinance No. 2271 Zoning Unit Map No.

DRAWN BY:
E.Luchini

APPROVED BY:

DATE:
December 5, 2023

SCALE:
1" = 600'

SEC. NO.:
P23-0608

**TITLE: ADOPT AND WAIVE SECOND READING OF ORDINANCE NO. 2272 AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON ADOPTING
MUNICIPAL CODE AMENDMENTS TO: (1) CREATE A HOUSING OPPORTUNITY
ZONE DISTRICT; AND (2) CREATE THE OBJECTIVE DESIGN STANDARDS
HOUSING SITES COMPLIANCE REVIEW PROCESS FOR THE APPLICATION BY
THE CITY OF PLEASANTON AS FILED UNDER CASE NO. P23-0607**

The foregoing Ordinance No. 2272 was introduced at a regular meeting of the City Council on December 5, 2023, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

ORDINANCE NO. 2272

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON ADOPTING MUNICIPAL CODE AMENDMENTS TO: (1) CREATE A HOUSING OPPORTUNITY ZONE DISTRICT; AND (2) CREATE THE OBJECTIVE DESIGN STANDARDS HOUSING SITES COMPLIANCE REVIEW PROCESS FOR THE APPLICATION BY THE CITY OF PLEASANTON AS FILED UNDER CASE NO. P23-0607

WHEREAS, subsequent to certification of the City's 2023-2031 (6th Cycle) Housing Element by the State Department of Housing and Community Development on August 25, 2023, and readoption of the Housing Element by City Council on September 19, 2023, the City initiated: (1) a Municipal Code Amendment to create a Housing Opportunity Zone (HOZ) District; (2) a Municipal Code Amendment codifying the Objective Design Standards (ODS) Housing Site Compliance Review process; and (3) rezoning of twenty-one housing opportunity sites identified in the Housing Element to this HOZ District (collectively the "Project"); and

WHEREAS, on January 26, 2023, with adoption of Resolution No. 23-1359, the twenty-one housing opportunity sites shown in Exhibit A were designated Mixed Use and Mixed Use Business Park/Housing Element Sites Overlay (HESO), Public Health and Safety/HESO, Public Health and Safety and Low Density/HESO; Public Health and Safety and Low Density and Agriculture and Grazing/HESO, Commercial/HESO, Commercial and Mixed Use/HESO, Business Park/HESO, Medium Density/HESO, Public and Institutional/HESO, General and Limited Industrial/HESO, Low Density/HESO, and Schools/HESO in the General Plan; and

WHEREAS, the twenty-one housing opportunity sites are variously designated PUD-MU (Planned Unit Development - Mixed Use), Prezoned-A (Prezoned Agriculture), Unincorporated, C-R(m) (Regional Commercial-main), C-R(m) and PUD-MU (Regional Commercial-main and Planned Unit Development-Mixed Use), PUD-I/C-O (Planned Unit Development-Industrial/Commercial-Office), C-F (Freeway Commercial, PUD-C (Planned Unit Development-Commercial), A (Agriculture), P (Public), I-G-40 (General Industrial-40,000 sq. ft. minimum lot size), S (Study), I-P (Industrial Park), and PUD-Elementary School (Planned Unit Development-Elementary School) Districts on the City's zoning map; and

WHEREAS, the City prepared a Program Environmental Impact Report (Program EIR) for the 2023-2031 (6th Cycle) Housing Element (SCH 2022040091), which was certified by the City Council on January 26, 2023, by Resolution No. 23-1357. The Program EIR fully analyzed the impacts of the Housing Element, including development of housing on each of the housing opportunity sites subject to the proposed rezonings, and identifies various mitigation measures to address those impacts. The Program EIR also contemplates the re-zoning actions called for by Programs 1.1 and 1.4. Therefore, the proposed implementation of Housing Element Programs 1.1 and 1.4 are within the scope of the project analyzed in the Program EIR, and no further CEQA review is necessary; and

WHEREAS, at its duly noticed public meeting of November 8, 2023, the Planning Commission considered the written agenda report, all public testimony, relevant exhibits, and staff recommendations, and adopted Resolution PC-2023-17, unanimously recommending the City Council adopt a Municipal Code Amendment to create a HOZ District, as shown in Exhibit A, and create a ODS Housing Sites Compliance review process, as shown in Exhibit B; and

WHEREAS, at its duly noticed public meeting of December 5, 2023, the City Council received the HOZ District Municipal Code Amendment and the ODS Housing Sites Compliance review process, considered the written agenda report, all public testimony, relevant exhibits, and recommendations of the Planning Commission and staff.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the adoption of the municipal code amendments to create HOZ District and ODS Housing Site Compliance review process implement and are consistent with the goals and policies examined in the 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (State Clearinghouse No. 2022040091).

SECTION 2. Approves Case No. P23-0607, the application of the City of Pleasanton for adoption of a Municipal Code Amendment to: (1) create a HOZ District as shown in Exhibit A; and (2) create the ODS Housing Site Compliance review process as shown in Exhibit B, attached hereto and made part of this case by reference.

SECTION 3. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 4. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, and adopted on December 19, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karla Brown, Mayor

ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A

**Municipal Code Amendment for Creation of a HOZ District and List of Housing
Opportunity Sites**

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Chapter 18.38 HOZ HOUSING OPPORTUNITY ZONE DISTRICT

Article I. General Provisions

18.38.010 Title.

This chapter shall be called the “Housing Opportunity Zone (HOZ) District” ordinance of the City of Pleasanton. (Ord. XXXX § 1, 2023)

18.38.020 Purpose.

The purpose of this chapter is to enhance the public welfare and ensure further housing development attains the city’s housing goals, including affordable housing, by increasing the production of residential units for all income levels. To ensure the remaining developable land is utilized in a manner consistent with the city’s housing policies and needs, this HOZ District is created to allow new or expanded affordable housing development opportunities to all applicable parcels as specified in the City’s Housing Element of the General Plan. These new or expanded opportunities shall apply to both ownership and rental projects. (Ord. XXXX § 1, 2023)

18.38.030 Definitions.

For the purposes of this chapter, certain words and phrases shall be interpreted as set forth in this section unless it is apparent from the context that a different meaning is intended.

“Affordable housing fee.” The fee set forth in Chapter 17.40 paid to the city by an applicant for a project in lieu of providing the inclusionary units required by this chapter.

“Affordable housing proposal.” A proposal submitted by the project owner as part of the city development application (e.g., housing site compliance review, design review, planned unit development, etc.) stating the method by which the requirements of this chapter are proposed to be met. This information may be provided as part of an affordable housing agreement as provided in section 18.38.050.

“Applicant.” Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which seeks city permits and approvals for a project.

“City.” The City of Pleasanton or its designee or any entity with which the city contracts to administer this chapter.

“HUD.” The United States Department of Housing and Urban Development or its successor.

“Household.” One person living alone; or two or more persons sharing residency whose income is considered for housing payments.

“Income levels”:

- a. “Household, low income.” A household whose annual income is more than 50 percent but does not exceed 80 percent of the area median income (AMI) for San Francisco-Oakland-Fremont Metropolitan Statistical Area, based upon the annual income figures provided by HUD, as adjusted for household size.

- b. "Household, moderate income." A household whose annual income is more than 80 percent but does not exceed 120 percent of the area median income (AMI) for San Francisco-Oakland-Fremont Metropolitan Statistical Area, based upon the annual income figures provided by HUD, as adjusted for household size.
- c. "Household, very low income." A household whose annual income does not exceed 50 percent of the area median income (AMI) for San Francisco-Oakland-Fremont Metropolitan Statistical Area, based upon the annual income figures provided by HUD, as adjusted for household size.

"Inclusionary unit." A dwelling unit as required by this chapter which is rented or sold at affordable rents and/or affordable sales prices (as defined by this chapter) to very-low-, low-, or moderate-income households.

"Income." The gross annual household income as defined by HUD.

"Life of the inclusionary unit." The term during which the affordability provisions for inclusionary units shall remain applicable. The affordability provisions for inclusionary units shall apply in perpetuity from the date of occupancy, which shall be the date the City performs final inspection for the building permit.

"Living Area." The gross area of all floors of a residential structure excluding: basement or cellar areas used for storage only; space used for off-street parking (i.e., garages) or loading, steps, patios, decks, terraces, porches, and exterior balconies, if not enclosed on more than three sides.

"Median income for San Francisco-Oakland-Fremont Metropolitan Statistical Area." The median gross annual income in San Francisco-Oakland-Fremont Metropolitan Statistical Area as determined by HUD, adjusted for household size.

"Ownership units." Inclusionary units developed as part of a residential development which the applicant intends to be sold, or which are customarily offered for individual sale.

"Project." A residential housing development at one location or site including all dwelling units for which permits have been applied for or approved.

"Project owner." Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which holds fee title to the land on which the project is located.

"Property owner." The owner of an inclusionary unit, excepting a "project owner."

"Rental units": Inclusionary units which the applicant intends to be rented or leased, or which are customarily offered for lease or rent.

"Resale restrictions." Legal restrictions which restrict the price of inclusionary units to ensure that they remain affordable to very low-, low-, and moderate-income households on resale.

"Residential project, multiple-family." A residential project consisting of condominiums, apartments, and similar dwellings attached in groups of four or more units per structure and including multiple units located on a single parcel of land under common ownership.

“Residential project, single-family.” A residential project consisting of detached and attached single-family homes, including paired single-family, duets, duplexes, townhomes, and similar unit types where each unit is located on a separate parcel of land.

“Unit type.” Various dwelling units within a project which are distinguished by number of bedrooms and/or the type of construction (e.g., detached single-family, duets, townhomes, condominiums). (Ord. XXXX § 1, 2023)

Article II. Requirements

18.38.040 General applicability and development standards.

A. General applicability.

1. Parcels shall be identified in the City’s Housing Element as a housing opportunity site, meaning sites designated in the Housing Element to be zoned to allow residential development or mixed-use (i.e. mixed residential and non-residential use, whether in the same building or on the same site) and designated in the General Plan Land Use Map as Housing Element Overlay.
2. Parcels identified in the Housing Element as accommodating the City’s share of the lower income Regional Housing Needs Allocation, including the following housing opportunity sites, identified with reference to the 2023-2031 6th Cycle Housing Element, as follows: Site 2 – Stoneridge Shopping Center; Site 5 – Laborer’s Council; Site 6 – Signature Center; Site 7 – Hacienda Terrace; Site 9 – Metro 580; Site 12 – Pimlico Area (North Side); Site 20 – Boulder Street; Site 21a (Kiewit High Density); Site 23 – Sunol Boulevard; Site 29 – Oracle; and the Dublin/Pleasanton BART Station parking lot. These sites shall:
 - a. Permit owner-occupied and/or rental single-family and/or multi-family uses by right pursuant to Cal. Government Code §65583.2(h). and (i) for projects with affordable housing proposals in which 20 percent or more of the units are affordable to lower-income households.
 - b. Be allowed 100 percent residential uses regardless of any other applicable zoning district’s permitted and conditionally permitted uses for the site; and
 - c. Have all residential uses either: (1) occupy at least 50 percent of the floor area for a new construction mixed-use project; or (2) occupy at least 50 percent of the new floor area proposed on a housing opportunity site with pre-existing commercial/office floor area to be preserved as part of the project. In no case shall the provisions of this District preclude a commercial/office project with no residential uses, assuming those uses are allowed by the base zoning, to be proposed on a housing opportunity site. (Ord. XXXX § 1, 2023)

B. Development Standards.

1. Non-residential uses, including modification and expansion of existing uses, shall be permitted and conditionally permitted as specified in the underlying zoning district, the City's Objective Design Standards (ODS) and/or applicable provisions of this title thereto.
2. Residential uses shall be allowed consistent with the densities set forth on a site-specific basis in the Housing Element and the City's Objective Design Standards, and the applicable development standards as specified in the City's Objective Design Standards and/or applicable provisions of this title thereto.

18.38.045 Inclusionary unit provisions and specifications.

A. Required Inclusionary Units

1. For all new multiple-family residential projects of 15 units or more, at least 15 percent of the project's dwelling units shall be affordable as provided in this chapter.
2. For all new single-family residential projects of 15 units or more, at least 20 percent of the project's dwelling units shall be affordable as provided in this chapter.
3. For all new mixed-use projects with 15 residential units or more, at least 15 percent of the project's dwelling units shall be affordable as provided in this chapter.
4. Any commercial, office or industrial development will be subject to the affordable housing fee set forth in Chapter 17.40 or may provide inclusionary housing as provided in 17.44.040.B.
5. The percentage of inclusionary units required for a particular project shall be determined only once on a given project, at the time of tentative map approval, or, for projects not processing a map, prior to issuance of building permit. If the subdivision design changes, which results in a change in the number of unit types required, the number of inclusionary units required shall be recalculated to coincide with the final approved project. In applying and calculating the 15 percent requirement, any decimal fraction less than or equal to 0.50 may be disregarded, and any decimal fraction greater than 0.50 shall be construed as one unit.

B. Rental Units. For rental units, the following affordability mix shall be met among the required inclusionary units:

1. A minimum of 25 percent of inclusionary units shall have rents set at no more than 30% of 50% Area Median Income (AMI) for households with incomes up to 50% AMI (Very Low-Income Units)
2. A minimum of 25 percent of inclusionary units shall have rent set at no more than 30% of 60% AMI for households with incomes of 51% to 60% AMI (Low-Income Units)

3. No more than 50 percent of inclusionary units shall have rent set at no more than 30% of 80% AMI for households with incomes of 61% to 80% AMI (Low-Income units)
- C. Ownership Units. For affordable ownership units, initial sales prices shall be set at the following limits to result in a monthly mortgage payment (principal and interest) which does not exceed one-twelfth of 35% of the stated AMI, for household size per Subsection F, below:
 1. 1 bedroom units to be restricted at 100% AMI
 2. 2 bedroom condominium units to be restricted at 100% AMI
 3. 2 bedroom townhome units/single-family units AND 3 bedroom and larger units to be restricted at 120%AMI
- D. Bedroom Mix. For each project, a minimum of 10% of the total inclusionary units will be three-bedroom units; a minimum of 45% of the total inclusionary units will be two-bedroom units; and the remaining inclusionary units will be studio or one-bedroom units except that no more than 10% of the units may be studios. This requirement shall not apply to age-restricted senior housing or single-family projects.
- E. Minimum Size. Inclusionary units may be of smaller size than the market rate units in the project, subject to the following limitations: the living area of ownership units may be up to 50% smaller than the size of the average market rate unit in the project; for rental units the living area of each unit shall be as follows: (i) a studio shall be at least 700 square feet, (ii) a one-bedroom unit shall be at least 850 square feet, (iii) a two-bedroom unit shall be at least 1,000 square feet, (iv) a three bedroom unit shall be at least 1,250 square feet, and (v) for units with more than 3 bedrooms an additional 250 square feet for each additional bedroom.
- F. Household Size. For the purposes of calculating affordable rental or affordable sales price of an inclusionary units, the following household size assumptions shall be used for each applicable dwelling unit types:

Unit Size	HUD Household Size
Studio units	1 person
1 bedroom unit	2 persons
2 bedroom unit	3 persons
3 bedroom unit	4 persons
4 or more bedroom unit	5 or more persons

- G. Materials. Inclusionary units shall be constructed with identical exterior materials and an exterior architectural design that is consistent with the market rate units in the project.
- H. Construction timing. All inclusionary units in a project shall be constructed concurrently with or prior to the construction of the project's market rate units.

- I. Accessory Units. Accessory dwelling units and junior accessory dwelling units shall not count towards meeting inclusionary requirements.
- J. Projects with different unit types. For those projects with both market rate units and inclusionary units:
 - a. Inclusionary units shall be dispersed throughout the project so as not to concentrate inclusionary units in a specific geographic area (including a floor) of the project.
 - i. For a project where the market rate units are proposed to be detached single-family homes, it is permitted for the inclusionary units be paired single-family, duets, duplexes, or townhomes. In such case, the townhomes can be concentrated in one or more areas of the project. The residents of both the market rate and the inclusionary units must be provided equivalent project amenities.
 - ii. For a project where the market rate units are proposed to be attached or detached single-family homes, duets, or duplexes, it is permitted for the inclusionary units to be ownership condominiums or rental apartments. In such case, and where the number of inclusionary units exceed 15 units, the condominiums or apartments can be concentrated in an area of the project. The residents of both the market rate and the inclusionary units must be provided equivalent project amenities.
- K. Requirements. The affordability requirements are as set forth in this chapter and the applicable Objective Design Standards (ODS); and for sites for which there are no ODS, then the requirements in Chapter 17.44. In the event of any conflict, the more restrictive provisions that provide more inclusionary units and deeper affordability shall apply.
- L. Perpetuity. Inclusionary units shall remain affordable in perpetuity through the recordation of an affordable housing agreement described in Section 18.38.050 of this chapter.
- M. Eligibility. The city's adopted preference and priority system shall be used for determining eligibility among prospective beneficiaries for affordable housing units created by this chapter, unless superseded by federal or state law.

18.38.050 Affordable housing agreement.

All projects subject to this chapter shall enter into an affordable housing agreement. The agreement shall record the method and terms by which a project owner shall comply with the requirements of this chapter or by alternatives as generally provided in Cal. Government Code section 65850(g) acceptable in the determination of the City based on analysis of equivalent financial value; which analysis may be required by the City to be done by a third party at the owner's expense. The approval and/or recordation of this agreement shall take place prior to final map approval or, where a map is not being processed, prior to the issuance of building permits for such lots or units.

The affordable housing agreement shall state the methodology for determining a unit's initial and ongoing rent or sales and resale price(s), any resale restrictions, occupancy requirements, eligibility requirements, city incentives including second mortgages, recapture mechanisms, the administrative process for monitoring unit management to ensure ongoing affordability and other matters related to the development and retention of the inclusionary units.

In addition to the above, the affordable housing agreement shall set forth any waiver of the affordable housing fee. For projects which meet the affordability threshold with very low and/or low-income units, all units in the project shall be eligible for a waiver of the affordable housing fee. For single-family residential projects which meet the affordability threshold with moderate income units, or multiple-family residential projects which do not meet the affordability threshold, only the inclusionary units shall be eligible for a waiver of the affordable housing fee.

To ensure affordability of the unit in perpetuity, the affordable housing agreement shall be recorded with the property deed or other method approved by the city attorney. (Ord. XXXX § 1, 2023)

Article III. Miscellaneous

18.38.060 Administration.

Approval of residential projects within the district shall be as specified in this Title, which may include, but is not limited to, a housing site compliance review pursuant to Chapter 18.22, subdivision map, etc. An applicant of a project subject to this chapter shall submit an affordable housing proposal stating the method by which it will meet the requirements of this chapter. The affordable housing proposal shall be submitted as part of the applicant's city development application to the planning division in a form approved by the director of community development or designee.

The affordable housing proposal shall be reviewed by the city's commission with purview over affordable housing agreements at a properly noticed meeting open to the public. The commission shall make recommendations to the city council either accepting, rejecting or modifying the developer's proposal and the utilization of any incentives described in section 17.44.070 and Housing Element Policy 2.6. The commission may also make recommendations to the city council regarding the project as necessary to ensure conformance with this chapter.

Acceptance of the applicant's affordable housing proposal is subject to approval by the city council, which may direct the city manager to execute an affordable housing agreement in a form approved by the city attorney. The city manager or his or her designee shall be responsible for monitoring the sale, occupancy and resale of inclusionary units. (Ord. XXXX § 1, 2023)

18.38.070 Enforcement.

- A. In the event of conflict between this chapter and Chapters 17.40 or 17.44, or other adopted city requirement, the more specific provision shall prevail.

- B. The city manager is designated as the enforcing authority. The city manager may suspend or revoke any building permit or approval upon finding a violation of any provision of this chapter. The provisions of this chapter shall apply to all agents, successors and assigns of an applicant. No building permit or final inspection shall be issued, nor any development approval be granted which does not meet the requirements of this chapter. (Ord. XXXX § 1, 2023)

18.30.080 Appeals.

Any person aggrieved by any action or determination of the city manager under this chapter, may appeal such action or determination to the city council in the manner provided in Chapter 18.144 of this code. (Ord. XXXX § 1, 2023)

Site/Area # (HEU)	Site/Area Name	Site Address	APN	Lot Size (acres)	Current Zoning	Proposed Zoning
N/A (5 th Cycle)	BART Surface Parking Lot	5859 Owens Drive	941 277101500	6.93	PUD-MU	PUD-MU and HOZ
	BART Surface Parking Lot	5835 Owens Drive	941 277800200	7.97	PUD-MU	PUD-MU and HOZ
1	Lester	11033 Dublin Canyon Road	941 250000200	0.73	Prezoned - A	Pre-zoned PUD-OS-A&G/OS-PH&S/LDR/ HOZ
	Lester	Dublin Canyon Road	941 250000300	12.61	Prezoned - A	Pre-zoned PUD-OS-A&G/OS-PH&S/LDR/ HOZ
	Lester	10807 Dublin Canyon Road	941 270000200	12.39	Unincorporated	Pre-zoned PUD-OS-A&G/OS-PH&S/LDR/ HOZ
	Lester	Dublin Canyon Road	941 260000206	98.85	Prezoned - A	Pre-zoned PUD-OS-A&G/OS-PH&S/LDR/ HOZ
2	Stoneridge Shopping Center	1400 Stoneridge Mall Road	941 120102800	3.00 of 9.68	C-R(m)	C-R (m) and HOZ
	Stoneridge Shopping Center	1500 Stoneridge Mall Road	941 120102900	3.00 of 9.77	C-R(m)	C-R (m) and HOZ
	Stoneridge Shopping Center	1300 Stoneridge Mall Road	941 120103006	3.00 of 11.91	C-R(m)	C-R (m) and HOZ
	Stoneridge Shopping Center	2651 Stoneridge Mall Road	941 120109200	3.00 of 8.36	C-R(m)	C-R (m) and HOZ
	Stoneridge Shopping Center	1008 Stoneridge Mall Road	941 120109403	3.00 of 28.63	C-R(m) and PUD-MU	C-R(m), PUD-MU and HOZ
	Stoneridge Shopping Center	1700 Stoneridge Mall Road	941 120109500	3.00 of 6.22	C-R(m)	C-R (m) and HOZ
5	Laborer Council	4780 Chabot Drive	941 277103300	1.39	PUD-I/C-O	PUD-I/C-O and HOZ
6	Signature Center	4900 Hopyard Road	941 130105700	1.36	PUD-I/C-O	PUD-I/C-O and HOZ
	Signature Center	4900 Hopyard Road	941 130105800	5.16	PUD-I/C-O	PUD-I/C-O and HOZ
	Signature Center	5000 Hopyard Road	941 130105900	5.37	PUD-I/C-O	PUD-I/C-O and HOZ
	Signature Center	5000 Hopyard Road	941 130106001	2.77	PUD-I/C-O	PUD-I/C-O and HOZ
7	Hacienda Terrace	4309 Hacienda Drive	941 276100403	2.00 of 16.35	PUD-I/C-O	PUD-I/C-O and HOZ
8	Muslim Community Center	5724 W. Las Positas Boulevard	941 276201301	4.86	PUD-I/C-O	PUD-I/C-O and HOZ
9	Metro 580	4515 Rosewood Drive	941 277900900	5.00 of 15.51	PUD-I/C-O	PUD-I/C-O and HOZ
12	Pimlico Area (North Side)	4003 Pimlico Drive	946 110103102	0.90	C-F	C-F and HOZ
	Pimlico Area (North Side)	4011 Pimlico Drive	946 110103504	1.41	PUD-C	PUD-C and HOZ
	Pimlico Area (North Side)	4005 Pimlico Drive	946 110103604	0.76	PUD-C	PUD-C and HOZ
14	St. Elizabeth Seton	Oakland Avenue	946 455001704	2.94	A	A and HOZ
16	Tri Valley Inn	2025 Santa Rita Road	946 329500104	2.30	C-F	C-F and HOZ
18	Valley Plaza	4285 Valley Avenue	946 329501200	0.18	PUD-C	PUD-C and HOZ
	Valley Plaza	1811 Santa Rita Road	946 329500202	0.87	PUD-C	PUD-C and HOZ
	Valley Plaza	4305 Valley Avenue	946 329500600	0.50	PUD-C	PUD-C and HOZ
	Valley Plaza	4303 Valley Avenue	946 329500700	1.37	PUD-C	PUD-C and HOZ
	Valley Plaza	1807 Santa Rita Road	946 329500900	2.07	PUD-C	PUD-C and HOZ
	Valley Plaza	1809 Santa Rita Road	946 329501000	2.04	PUD-C	PUD-C and HOZ
	Valley Plaza	1803 Santa Rita Road	946 329501100	0.37	PUD-C	PUD-C and HOZ
	Valley Plaza	4295 Valley Avenue	946 329501300	0.41	PUD-C	PUD-C and HOZ
19	Black Avenue	4400 Black Avenue	946 338000600	2.62	P	P and HOZ
20	Boulder Street	3500 Boulder Street	946 125101000	7.00	I-G-40	I-G-40 and HOZ
	Boulder Street	3400 Boulder Street	946 125101300	2.46	I-G-40	I-G-40 and HOZ
21	Kiewit	3300 Busch Road	946 125100704	5.00 of 49.07	I-G-40	I-G-40 and HOZ
	Kiewit	Valley Avenue	946 125100809	1.22	S	S and HOZ
	Kiewit	Valley Avenue	946 125103300	1.33	S	S and HOZ
22	Merritt	4141 Foothill Road	941 095000301	3.06	Unincorporated	Pre-zoned PUD-LDR and HOZ
	Merritt	4131 Foothill Road	941 095000303	5.30	Unincorporated	Pre-zoned PUD-LDR and HOZ
	Merritt	Foothill Road	941 095000312	12.76	Unincorporated	Pre-zoned PUD-LDR and HOZ
	Merritt	Foothill Road	941 095000311	25.18	Unincorporated	Pre-zoned PUD-LDR and HOZ
23	Sunol Boulevard	5511 Sunol Boulevard	947 000400105	0.77	I-P	I-P and HOZ
	Sunol Boulevard	5505 Sunol Boulevard	947 000400107	3.13	I-P	I-P and HOZ
	Sunol Boulevard	5675 Sunol Boulevard	947 000400304	11.39	I-P	I-P and HOZ
25	PUSD-District	4750 First Street	094 000100103	10.68	P	P and HOZ
26	St. Augustine	3999 Bernal Avenue	946 255001401	4.20 of 6.40	A	A and HOZ
27	PUSD-Vineyard	Vineyard Avenue	946 461900100	7.00 of 10.64	PUD-Elementary School	PUD-Elementary School and HOZ
29	Oracle	5805 Owens Drive	941 277800305	3.00 of 20.61	PUD-I/C-O	PUD-I/C-O and HOZ

EXHIBIT B

**Municipal Code Amendment for Creation of the
Housing Site Compliance Review process**

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Chapter 18.22 HOUSING SITE COMPLIANCE REVIEW

Article I. General Provisions

18.22.010 Title.

This chapter shall be called the “Housing Site Compliance Review” ordinance of the City of Pleasanton. (Ord. XXXX § 1, 2023)

18.22.020 Purpose.

The Objective Design Standards and Guidelines, adopted by Resolution No. 23-1386 (2023 ODS), as amended, are to be used to review both single-family and/or multi-family ownership and/or rental residential development projects on housing opportunity sites designated and/or rezoned as part of the 2023-2031 (6th Cycle) Housing Element (“housing opportunity sites”) of the General Plan. The 2023 ODS are intended to provide direction to developers and property owners regarding development standards, site design and circulation, and architectural features, with the goal of ensuring all new housing opportunity site residential development is compatible with Pleasanton’s existing high-quality neighborhoods.

(Ord. XXXX § 1, 2023)

18.22.030 Projects subject to housing site compliance review.

In order to ensure compliance with the 2023 ODS, the following project types on housing opportunity sites shall be subject to housing site compliance review:

A. The planning commission shall consider and render a decision regarding whether a housing opportunity site project complies with the 2023 ODS, any related environmental mitigation measure(s), and City objective standards which were in place when an application for the site was received for projects including 51 or more residential units.

B. The zoning administrator shall consider and render a decision regarding whether a housing opportunity site project complies with the 2023 ODS, any related environmental mitigation measure(s), and City objective standards which were in place when an application for the site was received for projects up to 50 residential units.

(Ord. XXXX § 1, 2023)

18.22.040 Powers – Duties.

The planning commission or zoning administrator shall have the following powers and duties:

A. In making decisions, approve, approve with modifications or conditions, or deny an application for a housing opportunity site in compliance with the 2023 ODS, any related environmental mitigation measure(s), and City objective standards which were in place when the application was received.

B. Require such improvements, either on or off site, which are reasonably related to the project for a housing opportunity site which are necessary in order to mitigate adverse environmental effects disclosed in an environmental assessment, negative declaration, EIR/EIS, etc., in compliance with the 2023 ODS, and City objective standards which were in place when the application was received. (Ord. XXXX § 1, 2023)

18.22.050 Scope of Review.

The planning commission or zoning administrator shall review site plans, landscape plans, building architecture and such other plans and reports (grading plans, EIR/negative declarations, etc.) as may be required and within requisite submittal requirements/timeframes specified by State Law, as applicable (e.g., applications submitted under SB 35 (2017), SB 330 (2019), etc.), to ensure projects for a housing opportunity site shall comply with all requirements of the 2023 ODS, any related environmental mitigation measure(s), City objective standards which were in place when the application was received, and any other pertinent factual information. (Ord. XXXX § 1, 2023)

18.22.060 Procedures.

A. An applicant submitting a project for a housing opportunity site subject to housing site compliance review shall submit all required materials to the planning division. The planning division shall review the required materials for completeness. The planning division shall indicate to the applicant if any additional information is needed, if the plans require revisions, or if a review under the California Environmental Quality Act (CEQA) is needed within timelines specified by State Law.

B. Once an application is deemed complete, surrounding property owners and residents within 1,000 feet of the project site will be mailed notice by the planning division of the proposed zoning administrator action, or of the planning commission meeting, as applicable. On-site project notification shall also be required, in conformance with the City's adopted policy, with such notification the responsibility of the applicant to install within a time frame specified by the planning division.

C. In the case of projects subject to zoning administrator compliance review, if, within seven (7) days of mailing the above-referenced notice, the zoning administrator receives a request for hearing, the zoning administrator shall schedule an administrative hearing within the time frame established by State Law. The zoning administrator's decision shall be made either administratively, if no hearing is requested, or during the administrative hearing.

D. In the case of projects subject to planning commission compliance review, the planning commission meeting shall be scheduled within the time frame established by State Law. The planning commission's decision shall be made during the meeting.

E. The zoning administrator or planning commission, as specified, shall approve the project if it complies with: a) the requirements of the 2023 ODS and any other applicable objective standards established with adopted City plans and documents which were in place when the application was received; and b) any applicable mitigation measure(s) of any applicable environmental document(s).

If the project does not comply, conditions may be imposed to achieve compliance, or the project may be denied. Such conditions or denial shall be subject to the limitations of State Law, including, but not limited to, Government Code Section 65589.5. Once a decision is rendered, the applicant shall be informed in writing along with any conditions attached to the approval. (Ord. XXXX § 1, 2023)

18.22.070 Effective date of decision.

A. Within five days of the date of the zoning administrator's or planning commission's decision on a project subject to housing site compliance review, the secretary shall transmit written notice of the decision to the planning commission and/or city council, and the applicant. Unless a timely appeal is filed as provided in Section [18.22.080](#) of this chapter, or unless the planning commission and/or the city council elects to review the decision of the zoning administrator, the decision shall be effective on the later of the following:

1. The day following the first meeting of the city council after the city council has received notice of the decision; or
2. The day after the expiration of the appeal period.

B. Unless a timely appeal is filed as provided in Section [18.22.090](#) of this chapter, the decision of the zoning administrator or planning commission shall be effective at the expiration of the appeal period. (Ord. XXXX § 1, 2023)

18.22.080 Appeals or reviews.

Unless otherwise prohibited by state law, appeals or reviews shall be as follows:

A. Any appeal or review pursuant to actions made by the zoning administrator and/or planning commission pursuant to this chapter shall follow the timelines and administrative procedures outlined in Section [18.144.020](#) of this title.

B. Any party may appeal and/or any member of the city council may review any decision of the zoning administrator and/or planning commission to the city council.

C. Any party may appeal an action of the zoning administrator to the planning commission. Any appeal to the planning commission may be further appealed to the city council. Any member of the planning commission and/or city council may review an action of the zoning administrator to the planning commission or the city council, respectively. Appeals to or reviews by the planning commission or city council shall be governed by this title as if the appeal or review of the zoning administrator's action were a new application before the planning commission or city council. (Ord. XXXX § 1, 2023)

18.22.090 Lapse of approval.

Housing site compliance review shall lapse and shall be void one year following the effective date of approval, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion, or the applicant or the applicant's successor has filed a request for approval of extension with the zoning administrator pursuant to the provisions of Section [18.12.030](#) of this title; or unless otherwise provided by state law. (Ord. XXXX § 1, 2023)

CITY COUNCIL AGENDA REPORT

December 19, 2023
Community Development

TITLE: ACCEPT AS COMPLETE THE PROJECT TO TRANSFER FIVE PARCELS TO CALTRANS FOR THE ORIGINAL CONSTRUCTION OF THE I-680 AND STONERIDGE DRIVE INTERCHANGE (CONSTRUCTED 1989), CIP 16506

SUMMARY

The Stoneridge Drive interchange was constructed in the late 1980s. The final documentation transferring Right of Way (ROW) from the City to Caltrans was never completed. Caltrans has requested that the ROW transfer be completed prior to its issuance of any encroachment permits for the Stoneridge Drive at I-680 northbound on-ramp project.

There are five parcels that were dedicated by deed and included on the parcel maps for the existing ramps, but those parcels never completed the dedication process. Escrow has closed on the properties and the transfer has been finalized. This action concludes the transfer of properties by requesting City Council acceptance of the project (CIP No. 16506) as complete.

RECOMMENDATION

1. Accept the project as complete and authorize the City Clerk to file a Notice of Completion.
2. Authorize the transfer of the remaining funding of \$37.29 in CIP No. 16506 back to the Traffic Impact Fee Fund and close out CIP 16506.

BACKGROUND

In 2017 City staff met with Caltrans to review the upcoming westbound Stoneridge Drive to northbound Interstate 680 on-ramp widening. As part of that initial review, Caltrans noted that several properties from the original construction in 1989 were never fully transferred to Caltrans. Caltrans requested the completion of these land transfers before CalTrans would issue an encroachment permit for any new projects.

Staff's subsequent review of the deed documentation and the interchange mapping showed that several land transfers from the Stoneridge Drive Interchange project that was completed in the late 1980s were still incomplete. Five parcels were dedicated by deed and on parcel maps for the ramps; however, those dedications did not appear to have been completed and the right of way record maps had not been updated.

DISCUSSION

The project to complete the transfer of the five parcels is included in the Capital Improvement Program as CIP No. 16506. In 2018, the City entered into a Professional Services Agreement with Mark Thomas and Company, Inc. to complete services relating to the right of way closeout and transfer process for the original I-680/Stoneridge Drive Interchange project that was

completed in 1989. These services included professional surveying, mapping, clearing of title and documentation to assist in transferring five parcels at the Stoneridge Drive Interchange to Caltrans.

The five properties now have clear titles, the necessary exhibits for the five properties have been prepared, and execution by Caltrans has been completed. Escrow has closed on the properties and the land transfers are complete and CIP 16506 is ready for final close out.

EQUITY AND SUSTAINABILITY

Not applicable, as this item is a routine and administrative matter of City business.

OUTREACH

Not applicable, as this item is a routine and administrative matter of City business.

STRATEGIC PLAN ALIGNMENT

This action supports the City's ONE Pleasanton strategic plan goal of *Investing in our Environment*, Strategy 1 - Implement the four-year Capital Improvement Program (CIP) to complete design and construction of budgeted capital projects, including the Johnson Drive Economic Development Zone transportation infrastructure improvements.

FISCAL IMPACT

There is no new or significant financial impact related to the requested action of accepting and closing this project. The remaining minimal amount of funding of \$37.29 budgeted in this CIP would be returned to the Traffic Impact Fee Fund.

Prepared by:



Mike Tassano, Traffic Engineer/Community Development Deputy Director

Submitted by:



Ellen Clark, Director of Community Development

Approved by:



Gerry Beaudin, City Manager

Attachments:

None

December 19, 2023
Finance

TITLE: ACCEPT THE MONTHLY DISBURSEMENTS AND INVESTMENT REPORT FOR OCTOBER 2023

SUMMARY

Attached is the City of Pleasanton monthly disbursements and investment report for the month of October 2023.

RECOMMENDATION

Staff recommends the City Council accept claim disbursements in the amount of \$13,834,674 and the investment report for the month of October 2023.

BACKGROUND

The City's Investment Policy requires the Director of Finance to submit a monthly transaction report to the City Council within 60 days of the end of the reporting period in accordance with California Government Code Section 53607.

The Investment Policy also requires the Director of Finance to submit a quarterly report to the City Council on the status of the City's investment portfolio no later than 45 days after the end of each month. This report shall include the types of investments, the amount of money invested with various institutions, purchase and maturity dates, and yield on investments. The Director of Finance certifies that the investment portfolio is in compliance with the investment policy and that it will meet cash flow needs for the next six months.

The staff report also includes check and electronic payment information for October 2023.

DISCUSSION

Monthly disbursements and investment report provides transparency of the City's financial transactions and payments for review by the City Council.

EQUITY AND SUSTAINABILITY

Not applicable, as this item is a routine administrative matter of City business.

OUTREACH

No outreach was conducted, as this item is a routine administrative matter of City business.

STRATEGIC PLAN ALIGNMENT

Not applicable, as this item is a routine administrative matter of City business.

FISCAL IMPACT

There is no fiscal impact associated with this action.

Prepared by:



Thinh Lucero, Supervising
Senior Accountant

Submitted by:



Susan Hsieh, Director of Finance

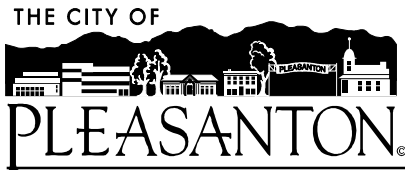
Approved by:



Gerry Beaudin, City
Manager

Attachments:

1. Disbursements and Investment Report



OCTOBER 2023 DISBURSEMENTS

CHECK REGISTER*

<u>DATE</u>	<u>CHECK NUMBER</u>	<u>AMOUNT</u>
10/2/2023	56414	\$ 906,684
10/6/2023	56415-56538	3,937,673
10/12/2023	56549-56706	1,149,063
10/20/2023	56712-56836	1,225,750
10/26/2023	56861-57011	781,831
		<u>\$ 8,001,002</u>

ACH PAYMENTS

<u>DATE</u>	<u>CHECK NUMBER</u>	<u>AMOUNT</u>
10/6/2023	56539-56548	\$ 258,116
10/12/2023	56707-56711	274,823
10/20/2023	56837-56860	1,080,230
10/26/2023	57012-57015	21,636
	CDTFA Sales & Use Tax	5,825
	Payroll & Tax related ACH Payments	795,525
		<u>\$ 2,436,155</u>

WIRE TRANSFERS

	<u>AMOUNT</u>
Wire Transfers	-
Investment of Funds	
	<u>\$ -</u>

PAYROLL TRANSFERS

<u>DATE</u>	<u>AMOUNT</u>
10/5/2023	\$ 1,585,437
10/19/2023	1,548,850
10/25/2023	263,231
	<u>\$ 3,397,517</u>

TOTAL DISBURSEMENTS

\$ 13,834,674

* Detailed registers available upon request.



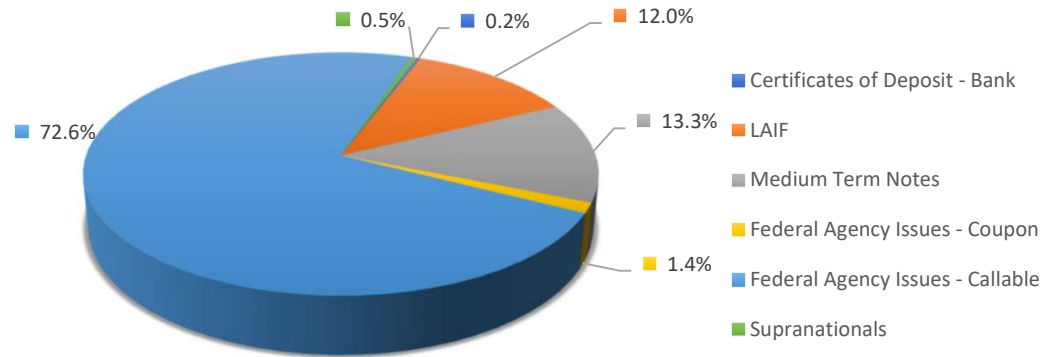
Portfolio Snapshot

October 31, 2023

Portfolio Characteristics

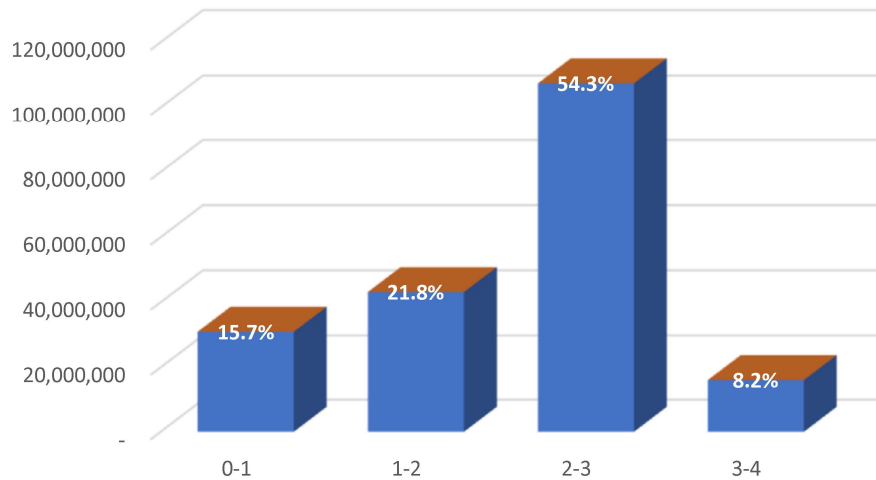
Total Market Value	\$197,735,719
Effective Rate of Return	1.51%
Average Days to Maturity	744

Sector Allocation*

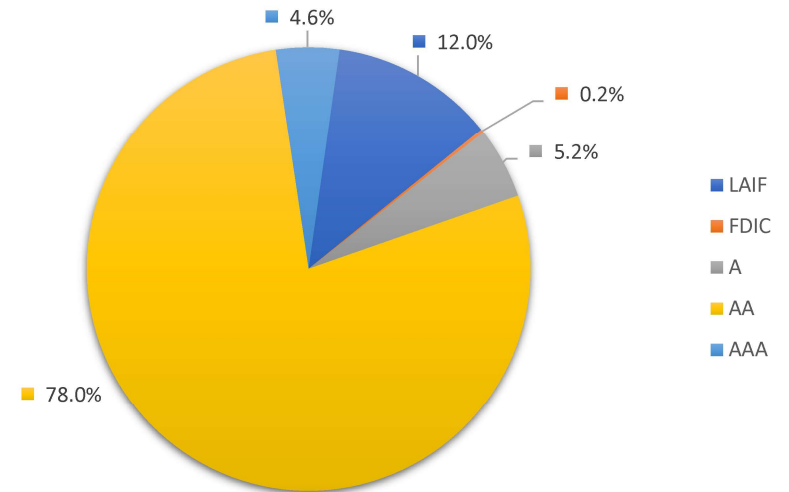


*Based on Market value

Maturity Distribution



Assigned Credit Ratings of Investments





CITY OF PLEASANTON
Portfolio Management
Portfolio Summary
October 31, 2023

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 360 Equiv.	YTM 365 Equiv.
Certificates of Deposit - Bank	491,206.57	491,206.57	491,206.57	0.23	560	167	2.110	2.139
LAIF	24,000,000.00	23,671,385.74	24,000,000.00	11.14	1	1	3.620	3.670
Medium Term Notes	27,970,000.00	26,386,369.10	28,578,889.47	13.26	1,788	575	1.585	1.607
Federal Agency Issues - Coupon	3,000,000.00	2,678,190.00	2,995,657.09	1.39	1,825	1,146	1.262	1.280
Federal Agency Issues - Callable	158,630,000.00	143,613,297.80	158,420,440.80	73.52	1,822	881	0.903	0.916
Supranationals	1,000,000.00	895,270.00	980,200.00	0.45	1,704	848	0.922	0.935
	215,091,206.57	197,735,719.21	215,466,393.93	100.00%	1,612	744	1.304	1.322

Investments

Total Earnings	October 31 Month Ending	Fiscal Year To Date
Current Year	247,078.55	1,155,576.41
Average Daily Balance	216,627,684.25	226,719,463.72
Effective Rate of Return	1.34%	1.51%

I hereby certify that, to the best of my knowledge, this report includes all investments in the cash management program, is in accordance with the City's current investment policy dated June 20, 2023 and will meet the City's cash flow needs for the next six months. Market value amounts are from Bank of New York Mellon (safekeeping bank) month-end statements. Book value amounts include premiums or discounts and are adjusted at year end on the general ledger.


 _____ 11/28/2023
 SUSAN HSIEH, DIRECTOR OF FINANCE

CITY OF PLEASANTON
Portfolio Management
Portfolio Details - Investments
October 31, 2023

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CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	YTM 360	YTM 365	Days to Maturity	Maturity Date
Certificates of Deposit - Bank												
SYS 1093	1093	Fremont Bank		04/21/2023	230,000.00	230,000.00	230,000.00	4.000	3.945	4.000	172	04/21/2024
UBB1091	1091	United Business Bank		04/11/2022	261,206.57	261,206.57	261,206.57	0.500	0.493	0.500	162	04/11/2024
Subtotal and Average			491,206.57		491,206.57	491,206.57	491,206.57		2.110	2.139	167	
LAIF												
SYS5	5	LOCAL AGENCY INVESTMENT FUND			24,000,000.00	23,671,385.74	24,000,000.00	3.670	3.620	3.670	1	
Subtotal and Average			25,161,290.32		24,000,000.00	23,671,385.74	24,000,000.00		3.620	3.670	1	
Medium Term Notes												
88579YBH3	6053	3M Company		02/14/2020	2,000,000.00	1,900,620.00	2,016,869.48	2.000	1.798	1.823	471	02/14/2025
037833CU2	6045	Apple Inc.		05/03/2019	2,000,000.00	1,971,420.00	2,009,000.00	2.850	2.716	2.753	192	05/11/2024
037833DM9	6048	Apple Inc.		01/07/2020	1,040,000.00	1,007,884.80	1,040,000.00	1.800	1.775	1.800	315	09/11/2024
037833DF4	6049	Apple Inc.		01/13/2020	1,000,000.00	969,590.00	1,037,212.20	2.750	1.938	1.965	439	01/13/2025
037833EB2	6065	Apple Inc.		02/08/2021	2,000,000.00	1,806,380.00	1,996,860.00	0.700	0.722	0.732	830	02/08/2026
037833BY5	6066	Apple Inc.		02/23/2021	3,000,000.00	2,870,910.00	3,331,380.00	3.250	0.967	0.981	845	02/23/2026
17325FAS7	6051	CitiBank NA		01/23/2020	1,000,000.00	994,670.00	1,065,374.39	3.650	1.917	1.943	83	01/23/2024
46632FSCO	6068	JPMorgan Chase Bank NA		06/22/2021	3,000,000.00	2,613,840.00	3,000,000.00	1.100	1.085	1.100	964	06/22/2026
69371RQ25	6062	PACCAR FINANCIAL CORP		03/31/2020	1,330,000.00	1,294,502.30	1,294,196.40	2.150	2.770	2.808	288	08/15/2024
89236TGL3	6046	Toyota Motor Credit Corp		10/24/2019	1,600,000.00	1,546,192.00	1,599,984.00	2.000	1.973	2.000	341	10/07/2024
89236THW8	6067	Toyota Motor Credit Corp		03/09/2021	3,000,000.00	2,711,430.00	2,959,140.00	0.800	1.075	1.090	800	01/09/2026
89788JAA7	6058	Truist Bank		03/13/2020	2,000,000.00	1,871,180.00	1,969,486.00	1.500	1.796	1.821	495	03/10/2025
30231GAF9	6056	EXXON MOBIL CORPORATION		03/11/2020	3,000,000.00	2,893,530.00	3,145,587.00	2.709	1.667	1.690	491	03/06/2025
30231GBH4	6064	EXXON MOBIL CORPORATION		04/20/2020	2,000,000.00	1,934,220.00	2,113,800.00	2.992	1.753	1.777	504	03/19/2025
Subtotal and Average			28,578,889.47		27,970,000.00	26,386,369.10	28,578,889.47		1.585	1.607	575	
Federal Agency Issues - Coupon												
3130AQF65	3576	FEDERAL HOME LOAN BANK		12/22/2021	3,000,000.00	2,678,190.00	2,995,657.09	1.250	1.262	1.280	1,146	12/21/2026
Subtotal and Average			2,995,657.09		3,000,000.00	2,678,190.00	2,995,657.09		1.262	1.280	1,146	
Federal Agency Issues - Callable												
3133ELQ49	4537	FEDERAL FARM CREDIT BANK		07/06/2020	3,000,000.00	2,780,460.00	2,997,750.00	0.700	0.706	0.715	607	06/30/2025
3133EMB30	4548	FEDERAL FARM CREDIT BANK		10/05/2020	3,340,000.00	3,057,102.00	3,336,660.00	0.530	0.543	0.550	698	09/29/2025
3133EMUK6	4575	FEDERAL FARM CREDIT BANK		03/25/2021	3,000,000.00	2,724,420.00	3,000,000.00	1.050	1.036	1.050	875	03/25/2026
3133EMH21	4595	FEDERAL FARM CREDIT BANK		06/24/2021	3,000,000.00	2,692,440.00	2,997,000.00	0.900	0.908	0.921	957	06/15/2026
3130AJZ36	4544	FEDERAL HOME LOAN BANK		08/27/2020	3,000,000.00	2,757,660.00	2,997,000.00	0.600	0.612	0.620	665	08/27/2025
3130AKGD2	4553	FEDERAL HOME LOAN BANK		11/25/2020	3,000,000.00	2,730,960.00	2,996,250.00	0.570	0.587	0.595	755	11/25/2025
3130AKQ74	4555	FEDERAL HOME LOAN BANK		01/22/2021	3,000,000.00	2,714,100.00	3,000,000.00	0.625	0.616	0.625	813	01/22/2026
3130AKRN8	4557	FEDERAL HOME LOAN BANK		01/28/2021	3,000,000.00	2,713,950.00	3,000,000.00	0.650	0.641	0.650	819	01/28/2026

Portfolio PLST
CC
PM (PRF_PM2) 7.3.11

CITY OF PLEASANTON
Portfolio Management
Portfolio Details - Investments
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CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	YTM 360	YTM 365	Days to Maturity	Maturity Date
Federal Agency Issues - Callable												
3130AKXQ4	4558	FEDERAL HOME LOAN BANK		02/12/2021	3,000,000.00	2,707,140.00	3,000,000.00	0.600	0.109	0.110	834	02/12/2026
3130AKZ25	4559	FEDERAL HOME LOAN BANK		02/26/2021	3,000,000.00	2,706,030.00	3,000,000.00	0.650	0.641	0.650	848	02/26/2026
3130AL3S1	4560	FEDERAL HOME LOAN BANK		02/17/2021	3,000,000.00	2,707,140.00	3,000,000.00	0.625	0.616	0.625	839	02/17/2026
3130AL5X8	4561	FEDERAL HOME LOAN BANK		02/24/2021	3,000,000.00	2,706,660.00	3,000,000.00	0.650	0.641	0.650	846	02/24/2026
3130AKXJ0	4562	FEDERAL HOME LOAN BANK		02/24/2021	3,125,000.00	2,816,062.50	3,122,500.00	0.600	0.608	0.616	846	02/24/2026
3130ALCV4	4563	FEDERAL HOME LOAN BANK		02/24/2021	3,000,000.00	2,713,080.00	3,000,000.00	0.750	0.740	0.750	846	02/24/2026
3130ALDN1	4565	FEDERAL HOME LOAN BANK		03/16/2021	3,000,000.00	2,710,260.00	3,000,000.00	0.800	0.789	0.800	866	03/16/2026
3130ALGC2	4569	FEDERAL HOME LOAN BANK		03/23/2021	3,000,000.00	2,713,290.00	3,000,000.00	0.875	0.863	0.875	873	03/23/2026
3130ALMM3	4571	FEDERAL HOME LOAN BANK		03/30/2021	3,000,000.00	2,719,560.00	3,000,000.00	1.000	0.986	1.000	880	03/30/2026
3130ALGR9	4572	FEDERAL HOME LOAN BANK		03/15/2021	3,000,000.00	2,718,930.00	2,989,560.00	0.850	0.909	0.922	848	02/26/2026
3130ALGR9	4574	FEDERAL HOME LOAN BANK		03/18/2021	3,000,000.00	2,718,930.00	2,985,960.00	0.850	0.934	0.947	848	02/26/2026
3130ALGC2	4576	FEDERAL HOME LOAN BANK		03/23/2021	3,000,000.00	2,713,290.00	2,987,700.00	0.875	0.946	0.959	873	03/23/2026
3130ALGR9	4577	FEDERAL HOME LOAN BANK		03/22/2021	3,000,000.00	2,718,930.00	2,982,510.00	0.850	0.958	0.971	848	02/26/2026
3130ALNT7	4578	FEDERAL HOME LOAN BANK		03/30/2021	3,000,000.00	2,718,210.00	2,998,050.00	0.980	0.980	0.993	880	03/30/2026
3130ALGR9	4579	FEDERAL HOME LOAN BANK		03/31/2021	3,000,000.00	2,718,930.00	2,978,517.00	0.850	0.986	1.000	848	02/26/2026
3130ALUC6	4580	FEDERAL HOME LOAN BANK		04/15/2021	3,000,000.00	2,717,280.00	2,995,500.00	1.020	1.036	1.051	896	04/15/2026
3130ALMM3	4581	FEDERAL HOME LOAN BANK		04/05/2021	3,000,000.00	2,719,560.00	2,996,250.00	1.000	1.012	1.026	880	03/30/2026
3130AMCL4	4585	FEDERAL HOME LOAN BANK		05/20/2021	2,795,000.00	2,524,611.70	2,795,000.00	1.020	1.006	1.020	930	05/19/2026
3130AMH62	4587	FEDERAL HOME LOAN BANK		05/26/2021	3,000,000.00	2,706,570.00	2,998,500.00	1.000	0.996	1.010	937	05/26/2026
3130AMGW6	4588	FEDERAL HOME LOAN BANK		05/26/2021	3,000,000.00	2,705,160.00	2,998,950.00	0.980	0.974	0.987	937	05/26/2026
3130AMHB1	4590	FEDERAL HOME LOAN BANK		06/02/2021	2,750,000.00	2,472,882.50	2,746,562.50	0.875	0.888	0.901	937	05/26/2026
3130AMH62	4591	FEDERAL HOME LOAN BANK		06/02/2021	1,500,000.00	1,353,285.00	1,500,000.00	1.000	0.986	1.000	937	05/26/2026
3130AMSL7	4592	FEDERAL HOME LOAN BANK		06/30/2021	3,000,000.00	2,697,900.00	3,000,000.00	1.030	1.016	1.030	972	06/30/2026
3130AMYA4	4594	FEDERAL HOME LOAN BANK		06/30/2021	3,000,000.00	2,700,840.00	3,000,000.00	1.070	1.055	1.070	972	06/30/2026
3130AN2Q2	4596	FEDERAL HOME LOAN BANK		06/30/2021	1,500,000.00	1,347,840.00	1,500,000.00	1.000	0.986	1.000	972	06/30/2026
3130AMWK4	4597	FEDERAL HOME LOAN BANK		07/14/2021	3,000,000.00	2,691,420.00	2,999,250.00	1.020	1.011	1.025	986	07/14/2026
3130AP2P9	4598	FEDERAL HOME LOAN BANK		09/30/2021	3,000,000.00	2,661,330.00	2,983,500.00	0.920	1.019	1.033	1,064	09/30/2026
3130APC94	4599	FEDERAL HOME LOAN BANK		10/14/2021	3,000,000.00	2,672,790.00	2,997,750.00	1.070	1.071	1.085	1,078	10/14/2026
3130APU78	4600	FEDERAL HOME LOAN BANK		12/09/2021	530,000.00	473,385.40	526,947.20	1.300	1.401	1.421	1,119	11/24/2026
3130APUR4	4601	FEDERAL HOME LOAN BANK		12/09/2021	1,840,000.00	1,643,451.20	1,829,401.60	1.300	1.401	1.421	1,119	11/24/2026
3130APVC6	4602	FEDERAL HOME LOAN BANK		12/09/2021	3,000,000.00	2,685,510.00	2,988,000.00	1.375	1.439	1.459	1,126	12/01/2026
3130AQEC3	4603	FEDERAL HOME LOAN BANK		12/30/2021	3,000,000.00	2,677,680.00	3,000,000.00	1.370	1.351	1.370	1,155	12/30/2026
3130AQEF6	4604	FEDERAL HOME LOAN BANK		12/30/2021	3,000,000.00	2,678,100.00	2,998,500.00	1.375	1.366	1.385	1,155	12/30/2026
3130AQG80	4605	FEDERAL HOME LOAN BANK		01/03/2022	3,000,000.00	2,682,120.00	2,999,250.00	1.420	1.406	1.425	1,154	12/29/2026
3130AQG80	4606	FEDERAL HOME LOAN BANK		01/10/2022	3,000,000.00	2,682,120.00	2,982,750.00	1.420	1.519	1.541	1,154	12/29/2026
3130AQLD3	4607	FEDERAL HOME LOAN BANK		02/08/2022	3,000,000.00	2,699,130.00	2,975,010.00	1.750	1.900	1.926	1,184	01/28/2027
3130AQW66	4608	FEDERAL HOME LOAN BANK		03/08/2022	3,000,000.00	2,721,480.00	2,995,500.00	2.080	2.083	2.112	1,212	02/25/2027
3134GVZ68	4535	FREDDIE MAC		06/23/2020	3,000,000.00	2,782,500.00	2,998,950.00	0.700	0.697	0.707	600	06/23/2025

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Federal Agency Issues - Callable												
3134GWA55	4545	FREDDIE MAC		09/09/2020	3,000,000.00	2,758,080.00	2,998,950.00	0.650	0.648	0.657	678	09/09/2025
3134GWW93	4547	FREDDIE MAC		09/30/2020	3,000,000.00	2,740,590.00	3,000,000.00	0.550	0.542	0.550	699	09/30/2025
3134GWWT9	4549	FREDDIE MAC		10/07/2020	3,000,000.00	2,746,710.00	2,997,600.00	0.550	0.559	0.566	699	09/30/2025
3134GW3F1	4550	FREDDIE MAC		10/28/2020	3,000,000.00	2,741,580.00	3,000,000.00	0.600	0.592	0.600	727	10/28/2025
3134GXDM3	4554	FREDDIE MAC		12/01/2020	3,000,000.00	2,729,250.00	3,000,000.00	0.620	0.612	0.620	761	12/01/2025
3136G4YH0	4538	FEDERAL NATIONAL MORTGAGE ASSN		07/14/2020	3,250,000.00	3,007,647.50	3,248,862.50	0.700	0.697	0.707	621	07/14/2025
3136G4A45	4541	FEDERAL NATIONAL MORTGAGE ASSN		07/22/2020	3,000,000.00	2,774,550.00	3,000,000.00	0.710	0.700	0.710	629	07/22/2025
3135GA3W9	4552	FEDERAL NATIONAL MORTGAGE ASSN		11/25/2020	3,000,000.00	2,732,700.00	3,000,000.00	0.600	0.592	0.600	755	11/25/2025
3135G06R9	4556	FEDERAL NATIONAL MORTGAGE ASSN		01/28/2021	3,000,000.00	2,707,710.00	3,000,000.00	0.550	0.542	0.550	819	01/28/2026
Subtotal and Average			158,420,440.80		158,630,000.00	143,613,297.80	158,420,440.80		0.903	0.916	881	
Supranationals												
45950VPS9	7000	International Finance Corp		06/28/2021	1,000,000.00	895,270.00	980,200.00	0.500	0.922	0.935	848	02/26/2026
Subtotal and Average			980,200.00		1,000,000.00	895,270.00	980,200.00		0.922	0.935	848	
Total and Average			216,627,684.25		215,091,206.57	197,735,719.21	215,466,393.93		1.304	1.322	744	

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Certificates of Deposit - Bank													
SYS 1093	1093	FREMON		04/21/2023	230,000.00	230,000.00	230,000.00	4.000	172	4.000	4,889.87	0.00	04/21/2024
UBB1091	1091	VCB		04/11/2022	261,206.57	261,206.57	261,206.57	0.500	162	0.500	2,035.98	0.00	04/11/2024
Subtotal and Average			491,206.57		491,206.57	491,206.57	491,206.57	2.139	167	2.139	6,925.85	0.00	
LAIF													
SYS5	5	LAIF			24,000,000.00	23,671,385.74	24,000,000.00	3.670	1	3.670	45,753.06	-328,614.26	
Subtotal and Average			25,161,290.32		24,000,000.00	23,671,385.74	24,000,000.00	3.670	1	3.670	45,753.06	-328,614.26	
Medium Term Notes													
88579YBH3	6053	3M		02/14/2020	2,000,000.00	1,900,620.00	2,016,869.48	2.000	471	1.822	8,555.56	-116,249.48	02/14/2025
037833CU2	6045	APPL		05/03/2019	2,000,000.00	1,971,420.00	2,009,000.00	2.850	192	2.753	26,916.67	-37,580.00	05/11/2024
037833DM9	6048	APPL		01/07/2020	1,040,000.00	1,007,884.80	1,040,000.00	1.800	315	1.799	2,600.00	-32,115.20	09/11/2024
037833DF4	6049	APPL		01/13/2020	1,000,000.00	969,590.00	1,037,212.20	2.750	439	1.964	8,250.00	-67,622.20	01/13/2025
037833EB2	6065	APPL		02/08/2021	2,000,000.00	1,806,380.00	1,996,860.00	0.700	830	0.732	3,227.78	-190,480.00	02/08/2026
037833BY5	6066	APPL		02/23/2021	3,000,000.00	2,870,910.00	3,331,380.00	3.250	845	0.980	18,416.67	-460,470.00	02/23/2026
17325FAS7	6051	CITIBN		01/23/2020	1,000,000.00	994,670.00	1,065,374.39	3.650	83	1.943	9,936.11	-70,704.39	01/23/2024
46632FSCO	6068	JP		06/22/2021	3,000,000.00	2,613,840.00	3,000,000.00	1.100	964	1.100	11,825.00	-386,160.00	06/22/2026
69371RQ25	6062	PCAR		03/31/2020	1,330,000.00	1,294,502.30	1,294,196.40	2.150	288	2.808	6,036.72	305.90	08/15/2024
89236TGL3	6046	TOYOTA		10/24/2019	1,600,000.00	1,546,192.00	1,599,984.00	2.000	341	2.000	2,133.33	-53,792.00	10/07/2024
89236THW8	6067	TOYOTA		03/09/2021	3,000,000.00	2,711,430.00	2,959,140.00	0.800	800	1.090	7,466.66	-247,710.00	01/09/2026
89788JAA7	6058	TRU		03/13/2020	2,000,000.00	1,871,180.00	1,969,486.00	1.500	495	1.821	4,250.00	-98,306.00	03/10/2025
30231GAF9	6056	XOM		03/11/2020	3,000,000.00	2,893,530.00	3,145,587.00	2.709	491	1.689	12,416.25	-252,057.00	03/06/2025
30231GBH4	6064	XOM		04/20/2020	2,000,000.00	1,934,220.00	2,113,800.00	2.992	504	1.777	6,981.33	-179,580.00	03/19/2025
Subtotal and Average			28,578,889.47		27,970,000.00	26,386,369.10	28,578,889.47	2.101	575	1.607	129,012.08	-2,192,520.37	
Federal Agency Issues - Coupon													
3130AQF65	3576	FHLB		12/22/2021	3,000,000.00	2,678,190.00	2,995,657.09	1.250	1146	1.280	13,541.66	-317,467.09	12/21/2026
Subtotal and Average			2,995,657.09		3,000,000.00	2,678,190.00	2,995,657.09	1.250	1146	1.280	13,541.66	-317,467.09	
Federal Agency Issues - Callable													
3133ELQ49	4537	FFCB		07/06/2020	3,000,000.00	2,780,460.00	2,997,750.00	0.700	607	0.715	7,058.33	-217,290.00	06/30/2025
3133EMBJ0	4548	FFCB		10/05/2020	3,340,000.00	3,057,102.00	3,336,660.00	0.530	698	0.550	1,573.51	-279,558.00	09/29/2025
3133EMUK6	4575	FFCB		03/25/2021	3,000,000.00	2,724,420.00	3,000,000.00	1.050	875	1.050	3,150.00	-275,580.00	03/25/2026
3133EMH21	4595	FFCB		06/24/2021	3,000,000.00	2,692,440.00	2,997,000.00	0.900	957	0.920	10,200.00	-304,560.00	06/15/2026
3130AJZ36	4544	FHLB		08/27/2020	3,000,000.00	2,757,660.00	2,997,000.00	0.600	665	0.620	3,200.00	-239,340.00	08/27/2025
3130AKGD2	4553	FHLB		11/25/2020	3,000,000.00	2,730,960.00	2,996,250.00	0.570	755	0.595	7,410.00	-265,290.00	11/25/2025
3130AKQ74	4555	FHLB		01/22/2021	3,000,000.00	2,714,100.00	3,000,000.00	0.625	813	0.625	5,156.25	-285,900.00	01/22/2026
3130AKRN8	4557	FHLB		01/28/2021	3,000,000.00	2,713,950.00	3,000,000.00	0.650	819	0.650	5,037.50	-286,050.00	01/28/2026
3130AKXQ4	4558	FHLB		02/12/2021	3,000,000.00	2,707,140.00	3,000,000.00	0.600	834	0.110	3,950.00	-292,860.00	02/12/2026

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Federal Agency Issues - Callable													
3130AKZ25	4559	FHLB		02/26/2021	3,000,000.00	2,706,030.00	3,000,000.00	0.650	848	0.650	3,520.83	-293,970.00	02/26/2026
3130AL3S1	4560	FHLB		02/17/2021	3,000,000.00	2,707,140.00	3,000,000.00	0.625	839	0.625	3,854.17	-292,860.00	02/17/2026
3130AL5X8	4561	FHLB		02/24/2021	3,000,000.00	2,706,660.00	3,000,000.00	0.650	846	0.650	3,629.17	-293,340.00	02/24/2026
3130AKXJ0	4562	FHLB		02/24/2021	3,125,000.00	2,816,062.50	3,122,500.00	0.600	846	0.616	3,489.58	-306,437.50	02/24/2026
3130ALCV4	4563	FHLB		02/24/2021	3,000,000.00	2,713,080.00	3,000,000.00	0.750	846	0.750	4,187.50	-286,920.00	02/24/2026
3130ALDN1	4565	FHLB		03/16/2021	3,000,000.00	2,710,260.00	3,000,000.00	0.800	866	0.800	3,000.00	-289,740.00	03/16/2026
3130ALGC2	4569	FHLB		03/23/2021	3,000,000.00	2,713,290.00	3,000,000.00	0.875	873	0.875	2,770.83	-286,710.00	03/23/2026
3130ALMM3	4571	FHLB		03/30/2021	3,000,000.00	2,719,560.00	3,000,000.00	1.000	880	1.000	2,583.33	-280,440.00	03/30/2026
3130ALGR9	4572	FHLB		03/15/2021	3,000,000.00	2,718,930.00	2,989,560.00	0.850	848	0.922	4,604.17	-270,630.00	02/26/2026
3130ALGR9	4574	FHLB		03/18/2021	3,000,000.00	2,718,930.00	2,985,960.00	0.850	848	0.947	4,604.17	-267,030.00	02/26/2026
3130ALGC2	4576	FHLB		03/23/2021	3,000,000.00	2,713,290.00	2,987,700.00	0.875	873	0.959	2,770.83	-274,410.00	03/23/2026
3130ALGR9	4577	FHLB		03/22/2021	3,000,000.00	2,718,930.00	2,982,510.00	0.850	848	0.971	4,604.17	-263,580.00	02/26/2026
3130ALNT7	4578	FHLB		03/30/2021	3,000,000.00	2,718,210.00	2,998,050.00	0.980	880	0.993	2,531.67	-279,840.00	03/30/2026
3130ALGR9	4579	FHLB		03/31/2021	3,000,000.00	2,718,930.00	2,978,517.00	0.850	848	1.000	4,604.17	-259,587.00	02/26/2026
3130ALUC6	4580	FHLB		04/15/2021	3,000,000.00	2,717,280.00	2,995,500.00	1.020	896	1.050	1,360.00	-278,220.00	04/15/2026
3130ALMM3	4581	FHLB		04/05/2021	3,000,000.00	2,719,560.00	2,996,250.00	1.000	880	1.025	2,583.33	-276,690.00	03/30/2026
3130AMCL4	4585	FHLB		05/20/2021	2,795,000.00	2,524,611.70	2,795,000.00	1.020	930	1.019	12,829.05	-270,388.30	05/19/2026
3130AMH62	4587	FHLB		05/26/2021	3,000,000.00	2,706,570.00	2,998,500.00	1.000	937	1.010	12,916.67	-291,930.00	05/26/2026
3130AMGW6	4588	FHLB		05/26/2021	3,000,000.00	2,705,160.00	2,998,950.00	0.980	937	0.987	12,658.33	-293,790.00	05/26/2026
3130AMHB1	4590	FHLB		06/02/2021	2,750,000.00	2,472,882.50	2,746,562.50	0.875	937	0.900	10,360.24	-273,680.00	05/26/2026
3130AMH62	4591	FHLB		06/02/2021	1,500,000.00	1,353,285.00	1,500,000.00	1.000	937	0.999	6,458.33	-146,715.00	05/26/2026
3130AMSL7	4592	FHLB		06/30/2021	3,000,000.00	2,697,900.00	3,000,000.00	1.030	972	1.030	10,385.83	-302,100.00	06/30/2026
3130AMYA4	4594	FHLB		06/30/2021	3,000,000.00	2,700,840.00	3,000,000.00	1.070	972	1.070	10,789.17	-299,160.00	06/30/2026
3130AN2Q2	4596	FHLB		06/30/2021	1,500,000.00	1,347,840.00	1,500,000.00	1.000	972	1.000	5,041.67	-152,160.00	06/30/2026
3130AMWK4	4597	FHLB		07/14/2021	3,000,000.00	2,691,420.00	2,999,250.00	1.020	986	1.025	9,095.00	-307,830.00	07/14/2026
3130AP2P9	4598	FHLB		09/30/2021	3,000,000.00	2,661,330.00	2,983,500.00	0.920	1064	1.033	2,376.67	-322,170.00	09/30/2026
3130APC94	4599	FHLB		10/14/2021	3,000,000.00	2,672,790.00	2,997,750.00	1.070	1078	1.085	1,515.83	-324,960.00	10/14/2026
3130APU78	4600	FHLB		12/09/2021	530,000.00	473,385.40	526,947.20	1.300	1119	1.420	3,004.81	-53,561.80	11/24/2026
3130APUR4	4601	FHLB		12/09/2021	1,840,000.00	1,643,451.20	1,829,401.60	1.300	1119	1.420	10,431.78	-185,950.40	11/24/2026
3130APVC6	4602	FHLB		12/09/2021	3,000,000.00	2,685,510.00	2,988,000.00	1.375	1126	1.458	17,187.50	-302,490.00	12/01/2026
3130AQEC3	4603	FHLB		12/30/2021	3,000,000.00	2,677,680.00	3,000,000.00	1.370	1155	1.370	13,814.17	-322,320.00	12/30/2026
3130AQEF6	4604	FHLB		12/30/2021	3,000,000.00	2,678,100.00	2,998,500.00	1.375	1155	1.385	13,864.58	-320,400.00	12/30/2026
3130AQG80	4605	FHLB		01/03/2022	3,000,000.00	2,682,120.00	2,999,250.00	1.420	1154	1.425	14,436.67	-317,130.00	12/29/2026
3130AQG80	4606	FHLB		01/10/2022	3,000,000.00	2,682,120.00	2,982,750.00	1.420	1154	1.540	14,436.67	-300,630.00	12/29/2026
3130AQLD3	4607	FHLB		02/08/2022	3,000,000.00	2,699,130.00	2,975,010.00	1.750	1184	1.926	13,562.50	-275,880.00	01/28/2027
3130AQW66	4608	FHLB		03/08/2022	3,000,000.00	2,721,480.00	2,995,500.00	2.080	1212	2.111	11,440.00	-274,020.00	02/25/2027
3134GVZ68	4535	FHLMC		06/23/2020	3,000,000.00	2,782,500.00	2,998,950.00	0.700	600	0.707	7,466.67	-216,450.00	06/23/2025
3134GWA55	4545	FHLMC		09/09/2020	3,000,000.00	2,758,080.00	2,998,950.00	0.650	678	0.657	2,816.67	-240,870.00	09/09/2025

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Federal Agency Issues - Callable													
3134GWW93	4547	FHLMC		09/30/2020	3,000,000.00	2,740,590.00	3,000,000.00	0.550	699	0.550	1,420.83	-259,410.00	09/30/2025
3134GWWT9	4549	FHLMC		10/07/2020	3,000,000.00	2,746,710.00	2,997,600.00	0.550	699	0.566	1,420.83	-250,890.00	09/30/2025
3134GW3F1	4550	FHLMC		10/28/2020	3,000,000.00	2,741,580.00	3,000,000.00	0.600	727	0.600	150.00	-258,420.00	10/28/2025
3134GXDM3	4554	FHLMC		12/01/2020	3,000,000.00	2,729,250.00	3,000,000.00	0.620	761	0.620	7,750.00	-270,750.00	12/01/2025
3136G4YH0	4538	FNMA		07/14/2020	3,250,000.00	3,007,647.50	3,248,862.50	0.700	621	0.707	6,761.81	-241,215.00	07/14/2025
3136G4A45	4541	FNMA		07/22/2020	3,000,000.00	2,774,550.00	3,000,000.00	0.710	629	0.710	5,857.50	-225,450.00	07/22/2025
3135GA3W9	4552	FNMA		11/25/2020	3,000,000.00	2,732,700.00	3,000,000.00	0.600	755	0.600	7,800.00	-267,300.00	11/25/2025
3135G06R9	4556	FNMA		01/28/2021	3,000,000.00	2,707,710.00	3,000,000.00	0.550	819	0.550	4,262.50	-292,290.00	01/28/2026
Subtotal and Average			158,420,440.80		158,630,000.00	143,613,297.80	158,420,440.80	0.898	881	0.916	353,745.79	-14,807,143.00	
Supranationals													
45950VPS9	7000	IFC		06/28/2021	1,000,000.00	895,270.00	980,200.00	0.500	848	0.935	902.78	-84,930.00	02/26/2026
Subtotal and Average			980,200.00		1,000,000.00	895,270.00	980,200.00	0.500	848	0.935	902.78	-84,930.00	
Total and Average			216,627,684.25		215,091,206.57	197,735,719.21	215,466,393.93	1.372	744	1.322	549,881.22	-17,730,674.72	

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Certificates of Deposit - Bank												
SYS 1093	1093	FREMON	230,000.00	4.000	04/21/2024	04/21/2023	4.000				230,000.00	230,000.00
UBB1091	1091	VCB	261,206.57	0.500	04/11/2024	04/11/2022	0.500				261,206.57	261,206.57
Certificates of Deposit - Bank Totals			491,206.57				2.139			0.00	491,206.57	491,206.57
LAIF												
SYS5	5	LAIF	24,000,000.00	3.670			3.670				24,000,000.00	24,000,000.00
LAIF Totals			24,000,000.00				3.670			0.00	24,000,000.00	24,000,000.00
Medium Term Notes												
88579YBH3	6053	3M	2,000,000.00	2.000	02/14/2025	02/14/2020	1.823	A	A		2,016,869.48	2,016,869.48
037833CU2	6045	APPL	2,000,000.00	2.850	05/11/2024	05/03/2019	2.753	AA	Aaa	Received	2,009,000.00	2,009,000.00
037833DM9	6048	APPL	1,040,000.00	1.800	09/11/2024	01/07/2020	1.800	AA	Aaa	Received	1,040,000.00	1,040,000.00
037833DF4	6049	APPL	1,000,000.00	2.750	01/13/2025	01/13/2020	1.965	AA	Aaa		1,037,212.20	1,037,212.20
037833EB2	6065	APPL	2,000,000.00	0.700	02/08/2026	02/08/2021	0.732	AA	Aa		1,996,860.00	1,996,860.00
037833BY5	6066	APPL	3,000,000.00	3.250	02/23/2026	02/23/2021	0.981	AA	Aaa		3,331,380.00	3,331,380.00
17325FAS7	6051	CITIBN	1,000,000.00	3.650	01/23/2024	01/23/2020	1.943	A	Aa		1,065,374.39	1,065,374.39
46632FSCO	6068	JP	3,000,000.00	1.100	06/22/2026	06/22/2021	1.100	AA	Aa		3,000,000.00	3,000,000.00
69371RQ25	6062	PCAR	1,330,000.00	2.150	08/15/2024	03/31/2020	2.808	A	A	Received	1,294,196.40	1,294,196.40
89236TGL3	6046	TOYOTA	1,600,000.00	2.000	10/07/2024	10/24/2019	2.000	A	A	Received	1,599,984.00	1,599,984.00
89236THW8	6067	TOYOTA	3,000,000.00	0.800	01/09/2026	03/09/2021	1.090	A	A	Received	2,959,140.00	2,959,140.00
89788JAA7	6058	TRU	2,000,000.00	1.500	03/10/2025	03/13/2020	1.821	A	A	Received	1,969,486.00	1,969,486.00
30231GAF9	6056	XOM	3,000,000.00	2.709	03/06/2025	03/11/2020	1.690	AA	Aa	Received	3,145,587.00	3,145,587.00
30231GBH4	6064	XOM	2,000,000.00	2.992	03/19/2025	04/20/2020	1.777	AA	Aa	Received	2,113,800.00	2,113,800.00
Medium Term Notes Totals			27,970,000.00				1.607			0.00	28,578,889.47	28,578,889.47
Federal Agency Issues - Coupon												
3130AQF65	3576	FHLB	3,000,000.00	1.250	12/21/2026	12/22/2021	1.280	AA	Aaa		2,995,657.09	2,995,657.09
Federal Agency Issues - Coupon Totals			3,000,000.00				1.280			0.00	2,995,657.09	2,995,657.09
Federal Agency Issues - Callable												
3133ELQ49	4537	FFCB	3,000,000.00	0.700	06/30/2025	07/06/2020	0.715	AA	Aaa	Received	2,997,750.00	2,997,750.00
3133EMB30	4548	FFCB	3,340,000.00	0.530	09/29/2025	10/05/2020	0.550	AA	Aaa	Received	3,336,660.00	3,336,660.00
3133EMUK6	4575	FFCB	3,000,000.00	1.050	03/25/2026	03/25/2021	1.050	AA	Aaa		3,000,000.00	3,000,000.00
3133EMH21	4595	FFCB	3,000,000.00	0.900	06/15/2026	06/24/2021	0.921	AA	Aaa	Received	2,997,000.00	2,997,000.00
3130AJZ36	4544	FHLB	3,000,000.00	0.600	08/27/2025	08/27/2020	0.620	AA	Aaa		2,997,000.00	2,997,000.00
3130AKGD2	4553	FHLB	3,000,000.00	0.570	11/25/2025	11/25/2020	0.595	AA	Aaa		2,996,250.00	2,996,250.00
3130AKQ74	4555	FHLB	3,000,000.00	0.625	01/22/2026	01/22/2021	0.625	AA	Aaa		3,000,000.00	3,000,000.00

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Federal Agency Issues - Callable												
3130AKRN8	4557	FHLB	3,000,000.00	0.650	01/28/2026	01/28/2021	0.650	AA	Aaa		3,000,000.00	3,000,000.00
3130AKXQ4	4558	FHLB	3,000,000.00	0.600	02/12/2026	02/12/2021	0.110	AA	Aaa		3,000,000.00	3,000,000.00
3130AKZ25	4559	FHLB	3,000,000.00	0.650	02/26/2026	02/26/2021	0.650	AA	Aaa		3,000,000.00	3,000,000.00
3130AL3S1	4560	FHLB	3,000,000.00	0.625	02/17/2026	02/17/2021	0.625	AA	Aaa		3,000,000.00	3,000,000.00
3130AL5X8	4561	FHLB	3,000,000.00	0.650	02/24/2026	02/24/2021	0.650	AA	Aaa		3,000,000.00	3,000,000.00
3130AKXJ0	4562	FHLB	3,125,000.00	0.600	02/24/2026	02/24/2021	0.616	AA			3,122,500.00	3,122,500.00
3130ALCV4	4563	FHLB	3,000,000.00	0.750	02/24/2026	02/24/2021	0.750	AA			3,000,000.00	3,000,000.00
3130ALDN1	4565	FHLB	3,000,000.00	0.800	03/16/2026	03/16/2021	0.800	AA	Aaa		3,000,000.00	3,000,000.00
3130ALGC2	4569	FHLB	3,000,000.00	0.875	03/23/2026	03/23/2021	0.875	AA	Aaa		3,000,000.00	3,000,000.00
3130ALMM3	4571	FHLB	3,000,000.00	1.000	03/30/2026	03/30/2021	1.000	AA	Aaa		3,000,000.00	3,000,000.00
3130ALGR9	4572	FHLB	3,000,000.00	0.850	02/26/2026	03/15/2021	0.922	AA	Aaa	Received	2,989,560.00	2,989,560.00
3130ALGR9	4574	FHLB	3,000,000.00	0.850	02/26/2026	03/18/2021	0.947	AA	Aaa	Received	2,985,960.00	2,985,960.00
3130ALGC2	4576	FHLB	3,000,000.00	0.875	03/23/2026	03/23/2021	0.959	AA	Aaa		2,987,700.00	2,987,700.00
3130ALGR9	4577	FHLB	3,000,000.00	0.850	02/26/2026	03/22/2021	0.971	AA	Aaa	Received	2,982,510.00	2,982,510.00
3130ALNT7	4578	FHLB	3,000,000.00	0.980	03/30/2026	03/30/2021	0.993	AA	Aaa		2,998,050.00	2,998,050.00
3130ALGR9	4579	FHLB	3,000,000.00	0.850	02/26/2026	03/31/2021	1.000	AA	Aaa	Received	2,978,517.00	2,978,517.00
3130ALUC6	4580	FHLB	3,000,000.00	1.020	04/15/2026	04/15/2021	1.051	AA	Aaa		2,995,500.00	2,995,500.00
3130ALMM3	4581	FHLB	3,000,000.00	1.000	03/30/2026	04/05/2021	1.026	AA	Aaa	Received	2,996,250.00	2,996,250.00
3130AMCL4	4585	FHLB	2,795,000.00	1.020	05/19/2026	05/20/2021	1.020	AA	Aaa	Received	2,795,000.00	2,795,000.00
3130AMH62	4587	FHLB	3,000,000.00	1.000	05/26/2026	05/26/2021	1.010	AA	Aaa		2,998,500.00	2,998,500.00
3130AMGW6	4588	FHLB	3,000,000.00	0.980	05/26/2026	05/26/2021	0.987	AA	Aaa		2,998,950.00	2,998,950.00
3130AMHB1	4590	FHLB	2,750,000.00	0.875	05/26/2026	06/02/2021	0.901	AA	Aaa	Received	2,746,562.50	2,746,562.50
3130AMH62	4591	FHLB	1,500,000.00	1.000	05/26/2026	06/02/2021	1.000	AA	Aaa	Received	1,500,000.00	1,500,000.00
3130AMSL7	4592	FHLB	3,000,000.00	1.030	06/30/2026	06/30/2021	1.030	AA	Aaa		3,000,000.00	3,000,000.00
3130AMYA4	4594	FHLB	3,000,000.00	1.070	06/30/2026	06/30/2021	1.070	AA	Aaa		3,000,000.00	3,000,000.00
3130AN2Q2	4596	FHLB	1,500,000.00	1.000	06/30/2026	06/30/2021	1.000	AA	Aaa		1,500,000.00	1,500,000.00
3130AMWK4	4597	FHLB	3,000,000.00	1.020	07/14/2026	07/14/2021	1.025	AA	Aaa		2,999,250.00	2,999,250.00
3130AP2P9	4598	FHLB	3,000,000.00	0.920	09/30/2026	09/30/2021	1.033	AA	Aaa		2,983,500.00	2,983,500.00
3130APC94	4599	FHLB	3,000,000.00	1.070	10/14/2026	10/14/2021	1.085	AA	Aaa		2,997,750.00	2,997,750.00
3130APU78	4600	FHLB	530,000.00	1.300	11/24/2026	12/09/2021	1.421	AA	Aaa	Received	526,947.20	526,947.20
3130APUR4	4601	FHLB	1,840,000.00	1.300	11/24/2026	12/09/2021	1.421	AA	Aaa	Received	1,829,401.60	1,829,401.60
3130APVC6	4602	FHLB	3,000,000.00	1.375	12/01/2026	12/09/2021	1.459	AA	Aaa	Received	2,988,000.00	2,988,000.00
3130AQEC3	4603	FHLB	3,000,000.00	1.370	12/30/2026	12/30/2021	1.370	AA	Aaa		3,000,000.00	3,000,000.00
3130AQEF6	4604	FHLB	3,000,000.00	1.375	12/30/2026	12/30/2021	1.385	AA	Aaa		2,998,500.00	2,998,500.00
3130AQG80	4605	FHLB	3,000,000.00	1.420	12/29/2026	01/03/2022	1.425	AA	Aaa	Received	2,999,250.00	2,999,250.00
3130AQG80	4606	FHLB	3,000,000.00	1.420	12/29/2026	01/10/2022	1.541	AA	Aaa	Received	2,982,750.00	2,982,750.00
3130AQLD3	4607	FHLB	3,000,000.00	1.750	01/28/2027	02/08/2022	1.926	AA	Aaa	Received	2,975,010.00	2,975,010.00

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CUSIP	Investment #	Issuer	Par Value	Stated Rate	Maturity Date	Purchase Date	YTM	S&P	Moody's	Accrued Interest At Purchase	Current Principal	Book Value
Federal Agency Issues - Callable												
3130AQW66	4608	FHLB	3,000,000.00	2.080	02/25/2027	03/08/2022	2.112	AA	Aaa	Received	2,995,500.00	2,995,500.00
3134GVZ68	4535	FHLMC	3,000,000.00	0.700	06/23/2025	06/23/2020	0.707	AA	Aaa		2,998,950.00	2,998,950.00
3134GWA55	4545	FHLMC	3,000,000.00	0.650	09/09/2025	09/09/2020	0.657	AA	Aaa		2,998,950.00	2,998,950.00
3134GWW93	4547	FHLMC	3,000,000.00	0.550	09/30/2025	09/30/2020	0.550	AA	Aaa		3,000,000.00	3,000,000.00
3134GWWT9	4549	FHLMC	3,000,000.00	0.550	09/30/2025	10/07/2020	0.566		Aaa	Received	2,997,600.00	2,997,600.00
3134GW3F1	4550	FHLMC	3,000,000.00	0.600	10/28/2025	10/28/2020	0.600		Aaa		3,000,000.00	3,000,000.00
3134GXDM3	4554	FHLMC	3,000,000.00	0.620	12/01/2025	12/01/2020	0.620		Aaa		3,000,000.00	3,000,000.00
3136G4YH0	4538	FNMA	3,250,000.00	0.700	07/14/2025	07/14/2020	0.707	AA			3,248,862.50	3,248,862.50
3136G4A45	4541	FNMA	3,000,000.00	0.710	07/22/2025	07/22/2020	0.710	AA	Aaa		3,000,000.00	3,000,000.00
3135GA3W9	4552	FNMA	3,000,000.00	0.600	11/25/2025	11/25/2020	0.600	AA	Aaa		3,000,000.00	3,000,000.00
3135G06R9	4556	FNMA	3,000,000.00	0.550	01/28/2026	01/28/2021	0.550	AA	Aaa		3,000,000.00	3,000,000.00
Federal Agency Issues - Callable Totals			158,630,000.00				0.916			0.00	158,420,440.80	158,420,440.80
Supranationals												
45950VPS9	7000	IFC	1,000,000.00	0.500	02/26/2026	06/28/2021	0.935	AAA	Aaa	Received	980,200.00	980,200.00
Supranationals Totals			1,000,000.00				0.935			0.00	980,200.00	980,200.00
Investment Totals			215,091,206.57				1.322			0.00	215,466,393.93	215,466,393.93

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CUSIP	Investment #	Issuer	Stated Rate	Transaction Date	Purchases or Deposits	Redemptions or Withdrawals	Balance
Certificates of Deposit - Bank							
Subtotal							491,206.57
LAIF (Monthly Summary)							
SYS5	5	LOCAL AGENCY INVESTMENT FUND	3.670		0.00	3,000,000.00	
Subtotal							24,000,000.00
Fidelity - Government Fund (Monthly Summary)							
Subtotal							0.00
Medium Term Notes							
Subtotal							28,578,889.47
Federal Agency Issues - Coupon							
Subtotal							2,995,657.09
Federal Agency Issues - Callable							
Subtotal							158,420,440.80
Supranationals							
Subtotal							980,200.00
Total					0.00	3,000,000.00	215,466,393.93

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Month End	Year	Number of Securities	Average Balance	Yield to Maturity		Managed Pool Rate	Number of Investments Purchased	Number of Investments Redeemed	Average Term	Average Days to Maturity
				360 Equivalent	365 Equivalent					
October	2022	84	217,006,729.10	1.140	1.156	1.513	0	0	1,695	1,075
November	2022	84	212,338,987.16	1.144	1.160	2.007	0	0	1,743	1,076
December	2022	84	220,877,676.97	1.250	1.268	2.173	0	0	1,564	939
January	2023	84	233,064,439.11	1.258	1.276	2.425	0	2	1,566	924
February	2023	82	229,597,008.52	1.262	1.280	2.624	0	2	1,569	912
March	2023	80	231,116,718.72	1.352	1.371	2.831	0	0	1,503	848
April	2023	81	250,326,071.57	1.496	1.516	2.870	1	2	1,359	751
May	2023	79	257,676,478.70	1.506	1.527	2.993	0	1	1,368	738
June	2023	78	255,218,414.18	1.530	1.551	3.167	0	0	1,384	723
July	2023	78	241,332,522.47	1.392	1.411	3.305	0	1	1,523	773
August	2023	75	226,572,122.96	1.363	1.382	3.434	0	1	1,547	767
September	2023	74	222,199,727.26	1.319	1.338	3.534	0	0	1,589	761
October	2023	74	216,627,684.25	1.304	1.322	3.670	0	0	1,612	744
Average		80	231,827,570.16	1.332%	1.351%	2.811	0	1	1,540	849

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Distribution of Investments By Type
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Security Type	October 2022	November 2022	December 2022	January 2023	February 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	September 2023	October 2023	Average by Period
Certificates of Deposit - Bank	0.2	0.3	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2%
Certificates of Deposit - S & L														
LAIF	5.6	2.9	12.8	13.0	13.2	16.8	24.9	24.5	23.6	16.1	14.7	12.4	11.1	14.7%
Fidelity - Government Fund														
MONEY MARKET (GENERAL)														
Managed Pool Accounts -4														
Passbook/Checking Accounts														
Medium Term Notes	18.1	18.6	16.7	15.6	14.5	13.9	12.7	12.3	12.4	13.2	12.7	13.1	13.3	14.4%
Bankers Acceptances														
Commercial Paper - Discount														
Federal Agency Issues - Coupon	2.3	2.4	2.1	2.2	2.2	2.1	1.2	1.2	1.2	1.3	1.3	1.4	1.4	1.7%
Federal Agency Issues - Discount														
Treasury Securities - Coupon														
Treasury Securities - Discount														
Federal Agency Issues - Callable	73.3	75.4	67.7	68.6	69.5	66.6	60.7	61.5	62.3	68.8	70.6	72.5	73.5	68.5%
Supranationals	0.5	0.5	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.5	0.5	0.4%
Miscellaneous Securities - Discount														

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Portfolio Management
Interest Earnings Summary
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	October 31Month Ending	Fiscal Year To Date
CD/Coupon/Discount Investments:		
Interest Collected	131,350.00	713,158.50
Plus Accrued Interest at End of Period	504,128.16	504,128.16
Less Accrued Interest at Beginning of Period	(464,010.13)	(525,527.83)
Less Accrued Interest at Purchase During Period	(0.00)	(0.00)
Interest Earned during Period	171,468.03	691,758.83
Adjusted by Capital Gains or Losses	0.00	47,979.75
Earnings during Periods	171,468.03	739,738.58
Pass Through Securities:		
Interest Collected	0.00	0.00
Plus Accrued Interest at End of Period	0.00	0.00
Less Accrued Interest at Beginning of Period	(0.00)	(0.00)
Less Accrued Interest at Purchase During Period	(0.00)	(0.00)
Interest Earned during Period	0.00	0.00
Adjusted by Premiums and Discounts	0.00	0.00
Adjusted by Capital Gains or Losses	0.00	0.00
Earnings during Periods	0.00	0.00
Cash/Checking Accounts:		
Interest Collected	340,227.31	807,516.75
Plus Accrued Interest at End of Period	45,753.06	45,753.06
Less Accrued Interest at Beginning of Period	(310,369.85)	(437,431.98)
Interest Earned during Period	75,610.52	415,837.83
Total Interest Earned during Period	247,078.55	1,107,596.66
Total Capital Gains or Losses	0.00	47,979.75
Total Earnings during Period	247,078.55	1,155,576.41

CITY COUNCIL AGENDA REPORT

December 19, 2023
Finance

TITLE: APPROVE A CONSULTING SERVICES AGREEMENT WITH CLIFFORD MOSS, LLC FOR PUBLIC ENGAGEMENT AND COMMUNICATIONS SERVICES RELATED TO REVENUE MEASURE ELECTION FEASIBILITY IN AN AMOUNT NOT-TO-EXCEED \$284,000 THROUGH SEPTEMBER 30, 2024, AND APPROVE A BUDGET AMENDMENT IN THE GENERAL FUND

SUMMARY

At its March 21, 2023, Council meeting, the City Council directed staff to begin exploring viable revenue options to sustain vital City services and maintain community infrastructure, toward ensuring that resources are available to keep pace with the service needs expected by the community in future years. Rising costs coupled with reduced hotel tax revenue caused by the pandemic puts pressure on the General Fund budget, while at the same time many City infrastructure assets such as fire stations and park systems that were constructed or renovated during a significant growth period in the 1980s and 1990s are aging and in need of reinvestment to remain fully operational. Additional financial resources will help to sustain a high quality of life for all residents now and into the future.

Following the City Council's direction, staff interviewed several revenue strategy consulting firms and selected Clifford Moss, LLC (Clifford Moss) to assist with the revenue option study. The agreement for phase 1 work expires on December 31, 2023, for which the total cost including a revenue feasibility survey was \$97,250. Staff recommends entering into an agreement with Clifford Moss for phase 2 work on community engagement and public information.

RECOMMENDATION

- Approve a consulting services agreement with Clifford Moss for public engagement and communications services related to revenue measure election feasibility (phase 2), in an amount not to exceed \$284,000 through September 30, 2024
- Approve a budget amendment in the General Fund to appropriate \$284,000 for professional services in Fiscal Year 2023/24.

BACKGROUND

Clifford Moss is a highly-regarded public affairs firm with demonstrated success in helping public agencies, private organizations and individuals build public support for ballot measures, strategic initiatives and campaigns. Some of the services provided by Clifford Moss include public engagement/community outreach, revenue feasibility analysis, and public information, such as:

- Stakeholder/opinion leader engagement/community outreach

- Innovative listening initiatives
- Strategic communications
- Local revenue measures (sales taxes, bonds, parcel taxes, hotel taxes, etc.)
- Feasibility analysis and planning
- Public information programs.

Some of Clifford Moss' current and past city clients include Walnut Creek, San Ramon, Hayward, San Leandro, Berkeley, Emeryville, Oakland, Folsom, Chico, Lodi, Healdsburg, Covina, Colton, and Malibu.

DISCUSSION

In the initial feasibility efforts, Clifford Moss worked with City staff to analyze potential revenue options, engage opinion leaders, and developed a ballot measure feasibility survey taking into consideration feedback from the City Council and community as well as the City's funding needs. The statistically-survey results suggest that a half-cent sales tax measure and a hotel tax measure are potentially viable, and the results were presented to the City Council and the community on December 5, 2023. The polling results indicate the City needs to implement an active community engagement plan to provide voters with a complete picture of the community's needs and how potential measures fit into the City's long-term financial planning. Retesting viability in the May-July 2024 timeframe will be necessary to determine feasibility of a local revenue measure.

After receiving a presentation from City staff and consultants on December 5, 2023, the City Council directed staff to launch a comprehensive outreach plan to engage, inform, gather, and listen to input from residents and stakeholders on City needs and the proposed plan to meet those needs. If there is support from the community for a revenue measure, the intent is to place the measure on the ballot for the November 5, 2024, General Election.

Phase 2 of the revenue feasibility efforts will include a proactive education and community engagement plan utilizing tools such as the City's website, articles in the City's newsletters, mailers/flyers, videos, texts, emails, and community meetings/events. The costs for public information and community engagement are estimated to range from \$240,000 to \$284,000 which includes another public opinion poll to retest viability. Staff recommends entering into a contract with Clifford Moss for an amount not-to-exceed \$284,000 through September 30, 2024 for phase 2 work.

EQUITY AND SUSTAINABILITY

A comprehensive community engagement plan designed to reach all community members will help to inform and receive feedback from residents and stakeholders regarding the City's funding needs and service priorities and the proposed plan to meet those needs.

OUTREACH

With an approved agreement, staff will work with Clifford Moss to implement an active engagement plan to seek input from the community.

STRATEGIC PLAN ALIGNMENT

Approval of this action advances the ONE Pleasanton strategic plan goal of *Funding Our Future* by focusing on developing a long-term strategy for funding operations and maintenance needs to ensure reliability of community-owned facilities and infrastructure, and continuity of City services.

FISCAL IMPACT

The costs for public information and community engagement are estimated to range from \$240,000 to \$284,000. Staff requests the City Council appropriate \$284,000 to the General Fund in the Non-departmental professional services budget in Fiscal Year 2023/24.

Prepared by:



Susan Hsieh, Director of Finance

Submitted by:



Susan Hsieh, Director of Finance

Approved by:



Gerry Beaudin, City Manager

Attachments:

1. Consulting Services Agreement with Clifford Moss

PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT (“Agreement”) is entered into this 1st day of January 2024, between the CITY OF PLEASANTON, a municipal corporation (“City”), and CLIFFORD MOSS, LLC, a corporation, whose address is 5111 Telegraph Avenue, No. 307, Oakland, CA 94609, and telephone number is (510) 907-3195, (“Consultant”).

RECITALS

A. Consultant is qualified to and experienced in providing a local revenue measure public engagement program for the purposes specified in this Agreement.

B. City finds it necessary and advisable to use the services of the Consultant for the purposes provided in this Agreement.

NOW THEREFORE, in consideration of the mutual covenants and conditions in this Agreement, City and Consultant agree as follows:

1. **Consultant’s Services.** Subject to the terms and conditions set forth in this Agreement, Consultant shall provide to City the services described in Exhibit A. Consultant shall provide said services at that time, place and in the manner specified in Exhibit A.

2. **City Assistance, Facilities, Equipment and Clerical Support.** Except as set forth in Exhibit A, Consultant shall, at its sole cost and expense, furnish all facilities and equipment that may be required for furnishing services pursuant to this Agreement. City shall furnish to Consultant only the facilities and equipment listed in Exhibit A according to the terms and conditions set forth in Exhibit A.

3. **Term.** This contract shall commence on the date written above and shall expire on September 30, 2024.

4. **Compensation.** City shall pay Consultant for services rendered pursuant to this Agreement as described more particularly in Exhibit A. The payments shall be made on a monthly basis upon receipt and approval of Consultant’s invoice. Total compensation for services and reimbursement for costs shall not exceed \$284,000.

a. Invoices submitted to City must contain a brief description of work performed, time used and City reference number. Payment shall be made within thirty (30) days of receipt of Consultant’s invoice and approved by City.

b. Upon completion of work and acceptance by City, Consultant shall have sixty (60) days in which to submit final invoicing for payment. An extension may be granted by City upon receiving a written request thirty (30) days in advance of said time limitation. The City shall have no obligation or liability to pay any invoice for work performed which the Consultant fails

or neglects to submit within sixty (60) days, or any extension thereof granted by the City, after the work is accepted by the City.

5. **Sufficiency of Consultant's Work.** All work product and all other documents prepared by Consultant shall be adequate and sufficient to meet the purposes for which they are prepared.

6. **Ownership of Work.** All work product and all other documents completed or partially completed by Consultant in the performance of this Agreement shall become the property of the City. All materials shall be delivered to the City upon completion or termination of the work under this Agreement. If any materials are lost, damaged or destroyed before final delivery to the City, the Consultant shall replace them at its own expense. Any and all copyrightable subject matter in all materials is hereby assigned to the City and the Consultant agrees to execute any additional documents that may be necessary to evidence such assignment. Consultant shall keep materials confidential. Materials shall not be used for purposes other than performance of services under this Agreement and shall not be disclosed to anyone not connected with these services, unless the City provides prior written consent.

7. **Changes.** City may request changes in the scope of services to be provided by Consultant. Any changes and related fees shall be mutually agreed upon between the parties and subject to a written amendment to this Agreement.

8. **Consultant's Status.** In performing the obligations set forth in this Agreement, Consultant shall have the status of an independent contractor and Consultant shall not be considered to be an employee of the City for any purpose. All persons working for or under the direction of Consultant are its agents and employees and are not agents or employees of City.

9. **Termination for Convenience of City.** The City may terminate this Agreement at any time by mailing a notice in writing to Consultant. The Agreement shall then be deemed terminated, and no further work shall be performed by Consultant. If the Agreement is so terminated, the Consultant shall be paid for that percentage of the work actually completed at the time the notice of termination is received.

10. **Non-Assignability.** The Consultant shall not assign, sublet, or transfer this Agreement or any interest or obligation in the Agreement without the prior written consent of the City, and then only upon such terms and conditions as City may set forth in writing. Consultant shall be solely responsible for reimbursing subcontractors.

11. **Indemnity and Hold Harmless.** Consultant shall defend, indemnify, and hold harmless, the City and its officers, agents and employees from and against all claims, losses, damage, injury, and liability for damages arising from, or alleged to have arisen from, errors, omissions, negligent or wrongful acts of the Consultant in the performance of its services under this Agreement, regardless of whether the City has reviewed or approved the work or services which has given rise to the claim, loss, damage, injury or liability for damages. This indemnification shall extend for a reasonable period of time after completion of the project as well as during the period of actual performance of services under this Agreement. The City's acceptance of the insurance certificates required under this Agreement does not relieve the Consultant from its obligation under this paragraph.

12. **Insurance.** During the term of this Agreement, Consultant shall maintain in full force and effect, at its own cost and expense, insurance coverages with insurers with an A.M. Best's rating of no less than A:VII. Contractor shall have the obligation to furnish City, as additional insured, the minimum coverages identified below, or such greater or broader coverage for City, if available in the Contractor's policies:

a. **General Liability and Bodily Injury Insurance.** Commercial general liability insurance with limits of at least \$2,000,000 combined limit for bodily injury and property damage that provides that the City, its officers, employees and agents are named as additional insureds under the policy as evidenced by an additional insured endorsement satisfactory to the City Attorney. The policy shall state in writing either on the Certificate of Insurance or attached rider that this insurance will operate as primary insurance for work performed by Consultant and its subconsultants, and that no other insurance effected by City or other named insured will be called on to cover a loss.

b. **Automobile Liability Insurance.** Automobile liability insurance with limits not less than \$2,000,000 per person/per occurrence.

c. **Workers' Compensation Insurance.** Workers' Compensation Insurance for all of Consultant's employees, in strict compliance with State laws, including a waiver of subrogation and Employer's Liability Insurance with limits of at least \$1,000,000.

d. **Professional Liability Insurance.** Professional liability insurance in the amount of \$2,000,000.

e. **Certificate of Insurance.** Consultant shall file a certificate of insurance with the City prior to the City's execution of this Agreement, and prior to engaging in any operation or activity set forth in this Agreement. The Certificate of Insurance shall provide in writing that the insurance afforded by this Certificate shall not be suspended, voided, canceled, reduced in coverage or in limits without providing notice to the City in accordance with California Insurance Code section 677.2 which requires the notice of cancellation to: 1) include the effective date of the cancellation; 2) include the reasons for the cancellation; and 3) be given at least 30 days prior to the effective date of the cancellation, except that in the case of cancellation for nonpayment of premiums or for fraud, the notice shall be given no less than 10 days prior to the effective date of the cancellation. Notice shall be sent by certified mail, return receipt requested. In addition, the insured shall provide thirty (30) days prior written notice to the City of any cancellation, suspension, reduction of coverage or in limits, or voiding of the insurance coverage required by this agreement. The City reserves the right to require complete certified copies of policies.

f. **Waiver of Subrogation.** The insurer agrees to waive all rights of subrogation against the City, its officers, employees and agents.

g. **Defense Costs.** Coverage shall be provided on a "pay on behalf of" basis, with defense costs payable in addition to policy limits. There shall be no cross liability exclusions.

h. **Subcontractors.** Consultant shall include all subcontractors as insured under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for

subcontractors shall be subject to all of the requirements stated in this Agreement, including but not limited naming additional insureds.

13. **Notices.** All notices herein required shall be in writing and shall be sent by certified or registered mail, postage prepaid, addressed as follows:

To Consultant: Clifford Moss, LLC

Bonnie Moss and Amanda Clifford

5111 Telegraph Avenue No. 307

Oakland, CA 94609

To City: City Manager

City of Pleasanton

P.O. Box 520

Pleasanton, CA 94566

14. **Conformance to Applicable Laws.** Consultant shall comply with all applicable Federal, State, and Municipal laws, rules, and ordinances. Consultant shall not discriminate in the employment of persons or in the provision of services under this Agreement on the basis of any legally protected classification, including race, color, national origin, ancestry, sex or religion of such person.

15. **Licenses, Certifications and Permits.** Prior to the City's execution of this Agreement and prior to the Consultant's engaging in any operation or activity set forth in this Agreement, Consultant shall obtain a City of Pleasanton business license, which must be kept in effect during the term of this Agreement. Consultant covenants that it has obtained all certificates, licenses, permits and the like required to perform the services under this Agreement.

16. **Records and Audits.** Consultant shall maintain all records regarding this Agreement and the services performed for a period of three years from the date that final payment is made. At any time during normal business hours, the records shall be made available to the City to inspect and audit.

17. **Confidentiality.** Consultant shall exercise reasonable precautions to prevent the unauthorized disclosure and use of City reports, information or conclusions.

18. **Conflicts of Interest.** Consultant covenants that other than this Agreement, Consultant has no financial interest with any official, employee or other representative of the City. Consultant and its principals do not have any financial interest in real property, sources of income or investment that would be affected in any manner of degree by the performance of Consultant's services under this Agreement. If such an interest arises, Consultant will immediately notify the City.

19. **Waiver.** In the event either City or Consultant at any time waive any breach of this Agreement by the other, such waiver shall not constitute a waiver of any other or succeeding breach of this Agreement, whether of the same or of any other covenant, condition or obligation.

20. **Governing Law.** California law shall govern any legal action pursuant to this Agreement with venue in the applicable court or forum for Alameda County.

21. **No Personal Liability.** No official or employee of City shall be personally liable to Consultant in the event of any default or breach by the City or for any amount due Consultant.

22. **Exhibits.** All exhibits referred to herein are attached hereto and are by this reference incorporated herein.

23. **Counterparts and Electronic Signatures.** This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement. Counterparts may be delivered via facsimile, electronic mail (including pdf or any electronic signature complying with U.S. federal E-Sign Act of 2000 (15 U.S. Code §7001 et seq.), California Uniform Electronic Transactions Act (Cal. Civil Code §1633.1 et seq.), or other applicable law) or other transmission method, and any counterpart so delivered shall be deemed to have been duly and validly delivered and be valid and effective for all purposes.

24. **Scope of Agreement.** This writing constitutes the entire Agreement between the parties. Any modification to the Agreement shall be in writing and signed by both parties.

THIS AGREEMENT executed the date and year first above written.

CITY OF PLEASANTON

CONSULTANT

Gerry Beaudin, City Manager

By: _____
Signature

ATTEST:

Print name

Jocelyn Kwong, City Clerk

Its: _____
Title

Approved as to form:

Daniel G. Sodergren, City Attorney

By: _____
Signature

Print name

Its: _____
Title

[If Consultant is a corporation, signatures must comply with California Corporations Code §313]

EXHIBIT A

Scope of Consultant's Services

Please see attached.

Potential Local Revenue Measure Election Feasibility & Factual Impartial Public Communications Project Proposed 2024 Phase 2 Communications SCOPE OF SERVICES FOR THE CITY OF PLEASANTON

PHASE 2: Public Engagement & Factual Impartial Communications Services as City Prepares and Qualifies a Local Revenue Measure for the Ballot, & Provides Factual Impartial Public Information During the Election Window

TIMELINE: January 1, 2024 – September 30, 2024

BUDGET

Provider FEE:	\$68,000 (\$7,500/month x 9 months + \$500 misc. approved business expenses)
Research FEE:	\$38,000 (400 completed interviews, 3 languages)
<u>Program Budget:</u>	<u>\$178,000 (covering direct mail, digital, online, and misc. public engagement program costs)</u>

TOTAL Project Budget NOT TO EXCEED \$284,000

- Confirm, provide input to City regarding its electoral goal and schedule to meet filing requirements and qualify City's measure for the ballot.
- Conduct community/political analyses relating to City's 2024 electoral goal(s).
- Recommend a strategy, timeline and program budget to help City engage, inform, gather and LISTEN to input from residents and stakeholders on City needs and the proposed plan to meet those needs (2024 ballot measure).
- Guide City in implementing above public engagement and listening strategy; serve as a City thought partner as City engages its community.
- Based on early polling/research results, provide input into City's expenditure plan for use of proposed revenue measure funds to help ensure community alignment.
- Coordinate with FM3 Research, the City's chosen pollster, to conduct additional research approved by Client, including a tracking poll of Client's 2024 likely voters (400 interviews). Collaborate with FM3 to prepare, analyze and interpret poll results (poll #2 provided at an additional cost of \$38,000).
- Collaborate with City and its consultants to finalize City's chosen ballot measure.
- Prepare City for information-only, factual and impartial communications environment once the City's measure has qualified for and is on the ballot (e.g. factual, information-only, impartial web content, fact sheets, FAQs, etc.).
- Provide ongoing project-related strategic communications counsel and work products as needed within City's established program budget.
- Attend and/or participate in City project-related meetings and Zoom/conference calls as needed.

Contractor's services do not include legal or financial advice or counsel of any kind.

City of Pleasanton – (Phase 2) 2024 Local Revenue Measure
Factual, Impartial Public Engagement Program
On the front end of a Possible November 2024 Local Revenue Measure
BUDGET SCENARIOS

Stakeholder Communications	Option A Minimum	Option B Adequate
Proven City Communications Channels (email, text, social, etc.)	City Funded	City Funded
Direct Mail/Collateral ALL voter households 47,014 Voters 22,097 Houses/Mailboxes	\$85,000 1. City Mgr. 2-way mailer 2. Report Back to Cmty. 3. Info Postcard 4. Palm Card (handouts) x2 5. Fact Sheet	\$112,000 1. City Mgr. 2-way mailer 2. Report Back to Cmty. 3. Info Postcard 4. Info Postcard 5. Palm Card (handouts) x2 6. Fact Sheet
Online Paid PSA Packages Digital Display Banner & Video Online Ads	\$26,000 3 Rounds	\$35,500 3 Rounds
Video Production For online ads	\$12,000 2 Rounds/Set	\$15,000 2 Rounds/Sets
Data Voter file info & data merging	\$2,000	\$2,000
Voter Texting (12,492 cell phones)	\$2,000 1 Round	\$4,000 2 Rounds
Voter E-mails (22,565 emails)	\$2,800 2 E-mails	\$2,800 2 E-mails
Community Meetings/Events	\$1,000	\$3,000
Miscellaneous Expenses	\$3,200	\$3,700
PRE-ELECTORAL PROGRAM TOTAL =	\$134,000	\$178,000
CliffordMoss Project Mgmt. Fees - @ 7500/month x 9 months + \$500 misc. approved business expenses	\$68,000	\$68,000
FM3 (Spring 2024) Tracking Poll Research Fee (400 completed interviews, 3 languages)	\$38,000	\$38,000
Grand Total	\$240,000	\$284,000

November 2023. These are CURRENT realistic budget scenarios.. All figures subject to change based on real-time conditions.
We don't spend money frivolously. If we don't use resources in one area, we may reallocate them to another.

CITY COUNCIL AGENDA REPORT

December 19, 2023
Human Resources

**TITLE: ADOPT A RESOLUTION APPROVING COMPENSATION FOR
TEMPORARY/SEASONAL EMPLOYEES AND AMENDING THE TEMPORARY,
PART-TIME/SEASONAL CLASSIFICATION SALARY STRUCTURE**

SUMMARY

Compensation for temporary employees is established by the City and reflected in the City's publicly posted *Temporary, Part-time/Seasonal Classification Salary Structure*; a copy of the current salary structure. Periodically, salaries are studied and adjusted to meet increasing minimum wage standards and to ensure wages are appropriate to attract and retain qualified employees to support the various programs and services provided by the City. A recent compensation study concluded the City's temporary salaries are competitive with the market. However, California's minimum wage will increase to \$16.00 per hour effective January 1, 2024. Staff is recommending wage adjustments to comply with the state-mandated increase in minimum wage.

RECOMMENDATION

Adopt a resolution approving compensation for temporary/seasonal employees and amending the temporary, part-time/seasonal classification salary structure.

BACKGROUND

The City employs up to 450 temporary employees throughout the year. Examples of these positions include Library Pages, Interns, Recreation Leaders, Maintenance Aides, Lifeguards and Preschool Teachers. These positions are generally part-time, non-benefitted with an average schedule of eight to 30 hours per week. Periodically, the California minimum wage increases and staff studies compensation to check the City's marketability to employ these temporary workers. The minimum wage increase has prompted the recommendation to the City Council.

DISCUSSION

The minimum wage in California will increase from \$15.50 to \$16.00 per hour effective January 1, 2024. Adjusting wages to comply with the minimum wage is mandatory. The starting salaries for the classifications of Police Cadet, Program Assistant, and Clerical Assistant were increased from \$15.50 to \$16.00 per hour. New hires in the Apprentice/Intern classification will be placed in Step 3, which is above minimum wage.

Compensation for temporary employees is established by the City and reflected in the City's publicly posted *Temporary, Part-time/Seasonal Classification Salary Structure*; a copy of the current salary structure is provided as Attachment 2. The proposed *Temporary, Part-Time Seasonal Classification Salary Structure*, provided as Attachment 1 Exhibit A, will accommodate the minimum wage adjustments effective January 1, 2024. Existing salaries are competitive for the City's temporary classifications and are not being adjusted beyond the

minimum wage requirement. Additionally, the Retired Annuitant classification was added to the pay schedule to publish the pay range for retired employees who provide assistance to the City under CalPERS' extra help rules.

This report reviews the recommended changes to the classifications and compensation structure for the City's temporary employees. As these employees are not represented by a union, staff is requesting City Council approval of these adjustments by adopting the attached resolution (Attachment 1).

EQUITY AND SUSTAINABILITY

Not applicable, as this item is a routine matter of City business.

OUTREACH

No outreach was conducted, as this item is a routine matter of City business.

STRATEGIC PLAN ALIGNMENT

Not applicable, as this item is a routine matter of City business.

FISCAL IMPACT

Because this recommendation adjusts hourly wages for fewer than 10 employees, there is no fiscal impact associated with this action.

Prepared by:



Xaviera Scoggins, Human Resources Manager

Submitted by:



Veronica Thomas, Director of Human Resources and Labor Relations

Approved by:



Gerry Beaudin, City Manager

Attachments:

1. Resolution of the City Council of the City of Pleasanton Setting Compensation and Amending the Temporary, Part-time/Seasonal Classification Salary
2. Current Temporary, Part-time/Seasonal Classification Salary Structure, effective January 1, 2023

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON
APPROVING COMPENSATION FOR TEMPORARY/SEASONAL EMPLOYEES AND
AMENDING THE TEMPORARY, PART-TIME/SEASONAL CLASSIFICATION SALARY
STRUCTURE**

WHEREAS, compensation for the City's temporary employees is set forth in the City's Temporary, Part-time/Seasonal Classification Salary Structure; and

WHEREAS, staff recommends the City Council authorize the City Manager to increase the minimum wage for each Temporary, Part-time/Seasonal classification to comply with California's minimum wage increase; and

WHEREAS, staff recommends the City Council authorize the City Manager to amend the temporary classifications as necessary.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES
RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:**

SECTION 1. Amends the Temporary, Part-time/Seasonal Classification Salary Structure effective January 1, 2024, for temporary employees as provided in Exhibit A.

SECTION 2. This resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on December 19, 2023.

I, Jocelyn Kwong, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 19th day of December 2023, by the following vote:

Ayes:

Noes:

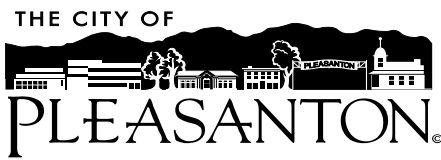
Absent:

Abstain:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

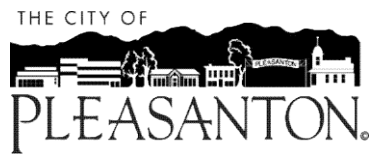


**Temporary, Part-time/Seasonal Classification
Salary Structure - Effective January 1, 2024**

Program/Classification	Step 1	Step 2	Step 3	Step 4	Step 5
Library Services					
Library Page	\$ 16.30	\$ 17.12	\$ 17.97	\$ 18.87	\$ 19.81
Maintenance Divisions					
Maintenance Aide	\$ 19.75	\$ 20.74	\$ 21.77	\$ 22.86	\$ 24.01
Apprentice/Intern Program					
Apprentice/Intern	\$ 15.00		\$ 16.59	\$ 17.42	\$ 18.29
Community Services					
Recreation Leader II	\$ 16.30	\$ 17.12	\$ 17.97	\$ 18.87	\$ 19.81
Recreation Leader III	\$ 18.87	\$ 19.81	\$ 20.80	\$ 21.84	\$ 22.93
Seasonal Senior Rec Leader	\$ 22.93	\$ 24.08	\$ 25.28	\$ 26.55	\$ 27.88
Preschool Aide	\$ 16.30	\$ 17.12	\$ 17.97	\$ 18.87	\$ 19.81
Preschool Teacher	\$ 20.80	\$ 21.84	\$ 22.93	\$ 24.08	\$ 25.28
Lifeguard I	\$ 16.55	\$ 17.38	\$ 18.25	\$ 19.16	\$ 20.12
Lifeguard II	\$ 21.12	\$ 22.18	\$ 23.29	\$ 24.45	\$ 25.67
Water Safety Instructor	\$ 16.55	\$ 17.38	\$ 18.25	\$ 19.16	\$ 20.12
Lifeguard/Instructor	\$ 19.16	\$ 20.12	\$ 21.12	\$ 22.18	\$ 23.29
Assistant Pool Manager	\$ 24.45	\$ 25.67	\$ 26.96	\$ 28.30	\$ 29.72
Police Services					
Police Officer - Per Diem	\$50.37 - \$61.19*				
Police Dispatcher - Per Diem	\$ 35.35	\$ 37.12	\$ 38.98	\$ 40.93	\$ 42.98
Police Records Clerk - Per Diem	\$ 28.45	\$ 29.87	\$ 31.37	\$ 32.94	\$ 34.59
Police Recruit	\$33.00 - \$35.00*				
Police Cadet	\$16.00 - \$20.00*				
City Wide Programs					
Retired Annuitant	\$16.00 - \$150.18*				
Program Assistant	\$16.00 - \$40.00*				
Program Specialist	\$40.01 - \$100.00*				
Clerical Assistant	\$16.00 - \$20.00*				
Sr. Clerical Assistant	\$20.01 - \$30.00*				
Temporary Health Screener	\$25.00				

*hourly range

Eligibility for Apprentice/Intern Program: must be enrolled in high school (or summer following graduation) or college; possess skills and abilities in an administrative or technical area that is required of the assignment; may receive college credit, degree-required work experience, or internship for completion.



**Temporary, Part-time/Seasonal Classification
Salary Structure - Effective January 1, 2023**

Program/Classification	Step 1	Step 2	Step 3	Step 4	Step 5
Library Services					
Library Page	\$ 16.30	\$ 17.12	\$ 17.97	\$ 18.87	\$ 19.81
Maintenance Divisions					
Maintenance Aide	\$ 19.75	\$ 20.74	\$ 21.77	\$ 22.86	\$ 24.01
Apprentice/Intern Program					
Apprentice/Intern		\$ 15.80	\$ 16.59	\$ 17.42	\$ 18.29
Community Services					
Recreation Leader II	\$ 16.30	\$ 17.12	\$ 17.97	\$ 18.87	\$ 19.81
Recreation Leader III	\$ 18.87	\$ 19.81	\$ 20.80	\$ 21.84	\$ 22.93
Seasonal Senior Rec Leader	\$ 22.93	\$ 24.08	\$ 25.28	\$ 26.55	\$ 27.88
Preschool Aide	\$ 16.30	\$ 17.12	\$ 17.97	\$ 18.87	\$ 19.81
Preschool Teacher	\$ 20.80	\$ 21.84	\$ 22.93	\$ 24.08	\$ 25.28
Lifeguard I	\$ 16.55	\$ 17.38	\$ 18.25	\$ 19.16	\$ 20.12
Lifeguard II	\$ 21.12	\$ 22.18	\$ 23.29	\$ 24.45	\$ 25.67
Water Safety Instructor	\$ 16.55	\$ 17.38	\$ 18.25	\$ 19.16	\$ 20.12
Lifeguard/Instructor	\$ 19.16	\$ 20.12	\$ 21.12	\$ 22.18	\$ 23.29
Assistant Pool Manager	\$ 24.45	\$ 25.67	\$ 26.96	\$ 28.30	\$ 29.72
Police Services					
Police Officer - Per Diem	\$50.37 - \$61.19*				
Police Dispatcher - Per Diem	\$ 35.35	\$ 37.12	\$ 38.98	\$ 40.93	\$ 42.98
Police Records Clerk - Per Diem	\$ 28.45	\$ 29.87	\$ 31.37	\$ 32.94	\$ 34.59
Police Recruit	\$33.00 - \$35.00*				
Police Cadet	\$15.50 - \$20.00*				
City Wide Programs					
Program Assistant	\$15.50 - \$40.00*				
Program Specialist	\$40.01 - \$100.00*				
Clerical Assistant	\$15.50 - \$20.00*				
Sr. Clerical Assistant	\$20.01 - \$30.00*				
Temporary Health Screener	\$25.00				

*hourly range

Eligibility for Apprentice/Intern Program: must be enrolled in high school (or summer following graduation) or college; possesses skills and abilities in an administrative or technical area that is required of the assignment; may receive college credit, degree-required work experience, or internship for completion.

December 19, 2023
Police

TITLE: ADOPT A RESOLUTION APPROVING AN AGREEMENT WITH SUN RIDGE SYSTEMS INC., TO PURCHASE A REPLACEMENT COMPUTER-AIDED DISPATCH AND RECORDS MANAGEMENT SYSTEM THROUGH A FIVE-YEAR LEASE-PURCHASE TERM IN THE AMOUNT OF \$1,434,360

SUMMARY

The City's current vendor for providing Police Computer Aided Dispatch and Records Management software requires an upgrade to comply with State crime reporting regulations. Given the 15-year relationship with the current vendor, Tyler Technologies, staff conducted a Request for Proposals (RFP) process, through which Sun Ridge Systems, Inc., was selected as the vendor. The Sun Ridge Systems solution complies with state regulations, allows for interoperability and information sharing with our regional public safety partners, and reduces the annual maintenance cost by 50 percent. Staff recommends the City Council approve the contract with Sun Ridge Systems Inc., for a period of five years at a cost of \$1,434,360.

RECOMMENDATION

Adopt a resolution approving an agreement with Sun Ridge Systems Inc., to purchase a replacement computer-aided dispatch and records management system through a five-year lease-purchase term in the amount of \$1,434,360.

BACKGROUND

The Police Department's current Computer Aided Dispatch (CAD) and Records Management System (RMS) software is an integral solution used to provide public safety 911 services and police dispatching for the City. It also stores all Police Department records as required by statute, regulation, and in support of police operations. The current CAD/RMS software is dated and is no longer supported by the vendor, Tyler Technologies (Tyler). Tyler does sell an update to the existing system; however, staff recognizes deficiencies with the Tyler system and conducted a competitive RFP process to evaluate other software solutions through which RIMS was selected as the preferred solution offered by Sun Ridge Systems, Inc.

DISCUSSION

Through the RFP process, staff discovered several benefits to selecting a new CAD/RMS Vendor. Police agencies in the State of California were required to transition from the Uniform Crime Report (UCR) to the National or California Incident Based Reporting Systems (NIBRS or CIBRS) RMS system. Many agencies, including Pleasanton, have not yet made this switch for a variety of reasons. While the updated Tyler program is NIBRS/CIBRS compliant, it requires agencies do a significant amount of staff work prior to being able to accurately report. Not only is RIMS NIBRS/CIBRS compliant, it does not require additional staff work to begin reporting.

Operationally, RIMS is a superior product that is in use by most law enforcement agencies in Alameda, San Mateo and Santa Clara Counties. RIMS allows for data sharing among other

agencies, which aids in criminal investigations and crime trends; having the same CAD system as the City of Livermore provides for redundancy in dispatching and situational awareness for in-progress crimes and mutual aid. Additionally, the shared system also provides an opportunity to consider a regional dispatch center in the future.

Sun Ridge Systems, Inc., provides a yearly maintenance cost savings of more than \$150,000 as compared to the current system, while providing the same service. Additionally, the City received a \$44,000 grant from the Office of Traffic Safety to fund the integration of Crossroads Collision Reporting with our new RMS. The City's Traffic Engineering Division uses this same system in its analysis of collisions to determine needed engineering changes.

Adoption of the resolution (Attachment 1) approves the agreement with Sun Ridge Systems which is included as Attachment 2 to this report.

EQUITY AND SUSTAINABILITY

Not applicable, as this item is an administrative matter of City business.

OUTREACH

No outreach was conducted, as this item is an administrative matter of City business.

STRATEGIC PLAN ALIGNMENT

Approval of this action advances the ONE Pleasanton goals of *Funding Our Future*, Strategy 1 - Develop a long-term strategy for funding operations and maintenance needs to ensure reliability of community-owned facilities and infrastructure and continuity of City services; *Optimizing Our Organization*, Strategy 2 - Procure and integrate critical software across departments for efficient and effective use by City staff and the public; and *Safeguarding Our City*, Strategy 5 - Implement high-priority items from the 2023-2027 Pleasanton Police Department Strategic Plan including strategies identified in the recent community survey. Collectively, meeting these strategies through implementation of this new system ensures the City is providing the highest level of police services to the community.

FISCAL IMPACT

Sun Ridge Systems, Inc., has offered a five-year lease-purchase term to pay the initial software expense; the annual maintenance fee will increase by three percent per year. The total five-year cost will be \$1,434,360. Annual payments are provided in the chart below.

Fiscal Year	Lease-Purchase Payment	Annual Maintenance Fee	Total Annual Payment
2023/24	\$ 188,113	\$ 93,000	\$ 281,113
2024/25	\$ 188,113	\$ 95,800	\$ 283,913
2025/26	\$ 188,113	\$ 98,675	\$ 286,788
2026/27	\$ 188,113	\$ 101,635	\$ 289,748
2027/28	\$ 188,113	\$ 104,685	\$ 292,798
Total	\$ 940,565	\$ 493,795	\$1,434,360

During Fiscal Year 2023/24, the City will pay for the existing Tyler Technology software to maintain continuity of service as well as the initial RIMS payment to plan and implement the

transition to RIMS in early Fiscal Year 2024/25. Due to this necessary overlap of software systems, the City will need to make an initial investment of \$281,113 which was not included in the adopted Fiscal Year 2023/24 budget but will be absorbed into the Police Department budget. The annual payments in the following four years would be covered with future Citizens' Option for Public Safety (COPS) funding and within the existing General Fund budget.

Prepared by:



Kurt Schlehuber, Police
Captain

Submitted by:



David Swing, Police Chief

Approved by:



Gerry Beaudin, City
Manager

Attachments:

1. Resolution approving agreement with Sun Ridge Systems Inc.
2. Contract Sun Ridge Systems Inc.

RESOLUTION NO. 23-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON
AUTHORIZING APPROVAL OF AN AGREEMENT WITH SUN RIDGE SYSTEMS INC.
TO PURCHASE A REPLACEMENT COMPUTER-AIDED DISPATCH AND RECORDS
MANAGEMENT SYSTEM THROUGH A FIVE-YEAR LEASE-PURCHASE TERM IN
THE AMOUNT OF \$1,434,360**

WHEREAS, the City of Pleasanton relies on the computer-aided dispatch and records management system software to provide public safety 911 police services, maintain police records as required by statute and regulation to support police operations; and

WHEREAS, through an RFP process, Sun Ridge Systems Inc. was selected by staff as the preferred vendor; and

WHEREAS, Sun Ridge Systems Inc. complies with state statutes and regulations, provides operational enhancements, and allows for data sharing amongst regional law enforcement agencies; and

WHEREAS, in selecting Sun Ridge Systems Inc. the City will reduce maintenance fees by over \$150,000 annually.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:

SECTION 1. Authorizes the City Manager, or his/her designee, to enter into a contract with Sun Ridge Systems Inc. on the City's behalf and execute all related documents required for the contract, including any amendments thereof.

SECTION 2. Agrees that the City of Pleasanton will abide by the terms and conditions of the contract.

SECTION 3. This Resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on December 19, 2023.

I, Jocelyn Kwong, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a meeting held on the 19th day of December 2023, by the following vote:

Ayes: Councilmembers
Noes:
Absent:
Abstain:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel Sodergren, City Attorney

SUN RIDGE SYSTEMS, INC. SOFTWARE AND SERVICES AGREEMENT

This Software and Services Agreement ("Agreement") is executed in duplicate as of _____, 2023, between Sun Ridge Systems, Inc., a California corporation ("Sun Ridge"), and City of Pleasanton, a political subdivision of the State of California ("the City") located at 123 Main Street, Pleasanton, 94566.

Section 1. Agreement. That for and in consideration of payments and agreements hereinafter mentioned to be made and performed by the City, and under the conditions set forth in this Agreement, Sun Ridge agrees to provide computer software ("Software") and services ("Services") to the City as described in Exhibit A, Scope of Work, attached hereto and incorporated herein. The Software support and maintenance services to be provided by Sun Ridge as part of the Services are more specifically described in Exhibit C attached hereto and incorporated herein ("Software Support Services Agreement").

Section 2. City Project Manager. Sun Ridge shall work under the general direction of _____ in fulfilling this Agreement.

Section 3. Scope of Work. The project that is the subject of this Agreement shall consist of the delivery by Sun Ridge to the City of the Software and Services (the "Project") described in Exhibit A.

Section 4. Payment Schedule. In consideration for the Software and Services to be provided by Sun Ridge under this Agreement, the City agrees to pay Sun Ridge the Total Contract Amount ("Contract Amount") given in Exhibit B according to the following lease-purchase schedule ("Lease-Purchase Schedule"):

<u>Year</u>	<u>Lease-Purchase Payment</u>	<u>Support Payment</u>	<u>Total Payment</u>
1	\$188,113	\$ 93,000	\$281,113
2	\$188,113	\$ 95,800	\$283,913
3	\$188,113	\$ 98,675	\$286,788
4	\$188,113	\$101,635	\$289,748
5	\$188,113	\$104,685	\$292,798

- The Year 1 payment shall be billable by Sun Ridge upon contract signing.
- The remaining year's payments will be due on each anniversary date of the Final Acceptance Notice. For example, if the date of the Final Acceptance Notice should be x/1/25, then the 2nd payment due date would be x/1/26, 3rd payment due date x/1/27, etc.).
- The Lease-Purchase cannot be cancelled by Lessee before the end of the third year of the lease and requires a 60-day notice, subject to the provisions of Section 12. In the event of termination of the Lease-Purchase, all products shall be returned by the City to Sun Ridge.
- After all Lease Purchase Payments are made the City shall own perpetual licenses to the Software listed in Exhibit A.

Section 5. Invoices. Invoices shall be sent to:

Upon receipt of the invoice, the City shall verify that the invoice has been properly prepared and that the conditions of payment have been fulfilled. If the payment conditions have been fulfilled, the invoice shall be processed and paid by the City within thirty (30) days after the City's receipt thereof.

In addition to any other amounts for which City is liable under this Agreement, City agrees to pay to Sun Ridge a late charge equal to one percent (1%) of the amount due if City fails to pay Sun Ridge any amount that is due and owing pursuant to this Agreement within sixty (60) days after City's receipt of an invoice from Sun Ridge. In addition, any invoiced amounts that are due and owing under this Agreement which City fails to pay to Sun Ridge within ninety (90) days after City's receipt of an invoice from Sun Ridge shall thereafter bear interest at the rate of twelve percent (12%) per annum or the highest interest rate allowed by applicable law, whichever is less.

Section 6. Term of Agreement. Unless terminated earlier in accordance with the provisions of this Agreement or applicable law, the term of this Agreement ("Term") shall be from the date shown on the first page of this Agreement through completion of the Project. Completion of the Project means the installation by Sun Ridge of all of the Software, the completion by Sun Ridge of all training and other Services and the payment by the City to Sun Ridge of the entire Contract Amount. The Project schedule is to be separately generated and agreed to between the parties. Notwithstanding the foregoing, the License described in Section 9 below will remain in effect until it is terminated pursuant to Section 9.

Section 7. Warranty/Disclaimer of Liability.

a. Sun Ridge warrants that upon delivery the Software substantially conforms to its Documentation and is free from defects that will materially impair its use. The City's sole and exclusive remedy for breach of this warranty will be repair or replacement of the Software. Sun Ridge will make reasonable efforts to correct errors in the Software, but does not warrant that the Software is error-free or will perform without interruption. The City has relied solely upon its own investigation and judgment in selecting the Software and not upon any representations or promises of Sun Ridge except as may be expressly stated in this Agreement.

b. THE FOREGOING WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES PERTAINING TO THE SOFTWARE, EXPRESS OR IMPLIED, AND SUN RIDGE SPECIFICALLY DISCLAIMS ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

c. IN NO EVENT WILL SUN RIDGE BE LIABLE FOR LOST BUSINESS, DIRECT, SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, HOWEVER CAUSED, WHETHER FOR BREACH OF WARRANTY, CONTRACT, TORT (INCLUDING NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE) ARISING OUT OF THE QUALITY, CONDITION OR USE OF THE SOFTWARE OR ANY OTHER PART OF THE PRODUCT. IN NO EVENT WILL SUN RIDGE BE LIABLE FOR ANY AMOUNT WHICH EXCEEDS THE AMOUNT PAID BY THE CITY FOR THE PRODUCT.

Section 8. Final Acceptance. For thirty (30) days from the beginning of Agency's Operational Use of the Software or forty (40) days after the completion of installation and training by Sun Ridge, whichever comes first (the "Test Period"), Agency shall test the system for defects and anomalies. "Operational Use" is defined as the Agency's use of the Sun Ridge Software in the course of the Agency's daily business activities. During the Test Period, Sun Ridge shall address and attempt to resolve issues with the Software identified by Agency under the Software Support Services Agreement (Exhibit C). At the end of the Test Period, Agency shall accept or reject the Software as follows:

a. If the City determines that the Software is performing to its satisfaction it shall immediately provide written notice to Sun Ridge of final acceptance of the Software ("Final Acceptance Notice"). Any remaining issues with the Software shall be covered as part of the original cost of the system and handled as maintenance items under the Software Support Services Agreement (Exhibit C).

b. If the City decides to not accept the Software, then it must so notify Sun Ridge in writing within five (5) calendar days after the end of the Test Period (a "Rejection Notice"). If a Rejection Notice is given, this Agreement shall be automatically terminated and all payments already made by the City to Sun Ridge, less the cost of project management, installation and training services provided up to the date of termination shall be returned to the City by Sun Ridge within thirty (30) days after receipt of the notice. In the event that the amount of Year 1 of the Lease-Purchase Payment Schedule provided in Section 4 is less than the total amount of the cost of project management, installation, data conversion and training services provided up to the day of termination, Sun Ridge will provide to the City an invoice in the amount of the difference. The terms of Section 11 and all other provisions of this Agreement that expressly survive such termination shall apply.

c. If City fails to provide a Final Acceptance Notice or a Rejection Notice within five (5) calendar days after the end of the Test Period, then City's final acceptance of the Software shall be considered to have occurred and City and Sun Ridge shall proceed as described in section 8.a above.

Section 9. Software License. Subject to the terms, conditions, limitations and restrictions set forth in this Agreement, Sun Ridge grants to the City a nonexclusive and non-transferable license, effective upon the City's Final Acceptance of the Software pursuant to Section 8 above, to use the Software in connection with the City's normal and customary daily operations substantially as they exist as of the date of commencement of the Term as described below (the "License"). The City shall acquire no ownership or other rights in or to the Software except for the License granted hereunder, and title to the Software shall at all times remain with Sun Ridge.

a. The following additional terms, conditions and limitations apply to the License:

i. The City may use the Software on all computers in the City's agency and in any other agencies explicitly agreed to in writing by Sun Ridge;

ii. The City may make a copy of the Software for backup or modification purposes only in support of the City's authorized use of the Software hereunder as Sun Ridge has expressly authorized; and

iii. No one using the Software, and no one for whose benefit the Software is being used, shall sublicense, resell, distribute, market, provide or otherwise make available the Software or any part or copies thereof to any third party.

iv. The City shall not transfer, use, or export the Software in violation of any applicable laws, rules, or regulations of any government or governmental agency.

v. The City shall not use the Software to disrupt, disable, or otherwise harm the operations, software, hardware, equipment, and/or systems of a business, institution, or other entity, including, without limitation, exposing the business, institution, or other entity to any computer virus, trojan horse, or other harmful, disruptive, or unauthorized component.

vi. The City shall not embed the Software in any third-party applications, unless expressly permitted under this Agreement or otherwise authorized in writing in advance by an authorized officer of Sun Ridge.

vii. The License granted under this Agreement shall apply only to the object code for the Software. No one using the Software, and no one for whose benefit the Software is being used, shall have the right to use or have access to the source code for the Software, and neither the City nor anyone using the Software pursuant to this License will modify, change, merge, adapt, translate, reverse engineer, decompile, disassemble or prepare derivative works based upon the Software.

viii. The City acknowledges that the Software and the Documentation constitute trade secrets of Sun Ridge. The City agrees to maintain the confidentiality of the Software and the Documentation, and shall take commercially reasonable steps to preserve that confidentiality pursuant to Section 12 of this Agreement.

b. The term of the License shall commence upon Final Acceptance of the Software by the City, and shall continue until the License is terminated as provided below.

i. Sun Ridge may immediately terminate the License in the event of any failure by the City to comply with the terms or conditions of this Agreement by giving written notice of such termination to the City. In the event the City has leased the Software from Sun Ridge, the License will terminate automatically upon termination of the lease. Upon such termination, the City shall immediately cease further use of the Software and will cause all copies of the Software to be destroyed or returned to Sun Ridge.

ii. The City may terminate the License at any time by giving written notice thereof to Sun Ridge and by destroying or returning to Sun Ridge all copies of the Software. The City acknowledges and agrees that any election by the City to terminate the License hereunder will not entitle the City to any refund of amounts paid or compensation of any kind from Sun Ridge. Upon such termination, the City shall immediately cease further use of the Software and will cause all copies of the Software to be destroyed or returned to Sun Ridge.

iii. Upon any termination or expiration of the License, an authorized representative of the City shall certify in writing to Sun Ridge that all copies of the Software and the Documentation which were the subject of the License have either been destroyed or returned to Sun Ridge as required above.

iv. The provisions of Sections 7 and 11 through 13, inclusive, shall survive the expiration or termination of this Agreement.

c. Sun Ridge may, at its option, release updates to or new versions of the Software. If the City elects to obtain any update or new version of the Software, the use of such update or new version will be subject to the terms and conditions of this Agreement.

d. Except as expressly provided in this Agreement, Sun Ridge retains all intellectual property rights and other rights to the Software, Documentation (as defined below), and the source code for the Software.

Section 10. Indemnity and Insurance.

a. Sun Ridge agrees to indemnify, defend, and hold harmless the City and its officers, directors, shareholders, employees, and agents (the "City Indemnified Parties") from any and all claims, demands, liabilities, and costs, including attorney's fees ("Claims"), arising out of or relating to (i) any actual infringement of a third-party's intellectual property rights or (ii) the negligence or willful misconduct of any employee or agent of Sun Ridge occurring during or as a result of Sun Ridge's performance of its obligations hereunder, provided that Sun Ridge shall have no indemnity or other obligations to the City hereunder to the extent any such Claims arise from or are the result of the negligence or other fault of the City or its employees, agents or other contractors nor shall the foregoing indemnity and hold harmless obligations of Sun Ridge extend to or cover any Claims arising from or relating to claims of defects or errors in the Software or the City's use or inability to use the Software. This indemnity obligation shall survive the expiration, cancellation or termination of this Agreement. Notwithstanding the foregoing, the City expressly waives, releases, and agrees that neither Sun Ridge nor Sun Ridge's officers, directors, shareholders, employees, agents and affiliates shall have any liability for any individual's or entity's lost business, direct damages, incidental or consequential damages, or any other Claims arising out of or related to the use or implementation of the Software.

b. During the term of this Agreement, Sun Ridge shall comply with the following insurance requirements:

i. Workers' Compensation. Sun Ridge shall fully comply with the terms of the law of California concerning workers' compensation. Said compliance shall include, but not be limited to, maintaining in full force and effect one or more policies of insurance insuring against any liability Sun Ridge may have for workers' compensation. Said policy shall also include employer's liability coverage of \$1,000,000 per accident for bodily injury or disease.

ii. General Liability Insurance. Sun Ridge shall obtain at its sole cost and keep in full force and effect during the term of this Agreement commercial general liability insurance in the amount of \$1,000,000 per occurrence for bodily injury, and property damage personal injury; coverage includes products and completed operations,. Said insurance shall provide (1) that the City, its officers, and employees shall be included as additional insureds under the policy, and (2) that the policy shall operate as primary insurance, and non-contributory.

iii. Automobile Liability Insurance. Sun Ridge shall obtain at its sole cost and keep in full force and effect during the term of this Agreement business automobile liability insurance in the amount of \$1,000,000 combined single limit per occurrence for bodily injury and property damage. Said insurance shall provide (2) that the policy shall operate as primary insurance, and non-contributory.

iv. Certificates of Insurance. Sun Ridge shall file with City upon the execution of this Agreement, certificates of insurance which shall provide that no cancellation, major change in coverage, expiration, or nonrenewal will be made during the term of this agreement, without thirty (30) days written notice to the City prior to the effective date of such cancellation, or change in coverage.

Section 11. Termination Rights. Either party may terminate this Agreement upon material breach of any of the terms of this Agreement by the other Party, after first giving the other party written notice of such breach and thirty (30) days to cure. If the breaching party does not

cure the breach within the allotted time, the Agreement will be terminated. Upon Termination, each party will return, delete, or destroy any copies, whether tangible or electronic, of Confidential Information obtained from the other party pursuant to this Agreement, including but not limited to any Documentation and any Confidential Information stored on any equipment that may be returned, and certify to the other party in writing within five (5) business days of the termination date that it has done so.

Section 12. Confidential Information. “Confidential Information” means any and all confidential information of a party to this Agreement that is not generally known to or by members of the public, including but not limited to businesses that compete with such a party, including but not limited to the Software and the Documentation pertaining thereto. Confidential Information shall not include information that is now or becomes part of the public domain, is required by applicable law to be disclosed, was already known by the receiving party at the time of disclosure, is independently developed by the receiving party without any use of Confidential Information, or is lawfully obtained from a third party. “Documentation” means those visually readable materials developed by or for Sun Ridge for use in connection with the Software, in either written or electronic form.

Each party agrees to protect the other party’s Confidential Information. Confidential Information will not be used or disclosed except as authorized by the providing party. Confidential Information will be disclosed to employees of the receiving party only on a “need to know” basis and only after such employees are informed of the confidential nature of the information and obligated to maintain confidentiality.

If a party or any party acting on its behalf is required to disclose by order of a court of competent jurisdiction, administrative agency or governmental body, or by subpoena, summons or other legal process, or by law, rule or regulation, or by applicable regulatory or professional standards to produce Confidential Information, that party shall promptly (and prior to such disclosure) notify the other party in writing of such demand or requirement whereupon the parties shall cooperate and take all reasonable acts (without significant cost or expense to the notifying party) to exhaust the legal avenues available to maintain the confidentiality of such Confidential Information, unless the party whose Confidential Information is at issue consents to the production and disclosure of such Confidential Information. In all events, only that portion of the Confidential Information specifically requested by the tribunal or person compelling such disclosure shall be provided and no interpretation or analysis of such data prepared for the purpose of such disclosure shall be disclosed unless approved the party whose Confidential Information is at issue or required by law.

Section 13. General Terms.

a. Governing Law. This Agreement will be construed by and enforced in accordance with the laws of the state of California.

b. Arbitration. If a dispute arises from or related to this Agreement or the breach of this Agreement and if such dispute cannot be settled through direct discussions, the parties agree to first endeavor to settle the dispute in an amicable manner by mediation to be held in Sacramento, California, under the Commercial Mediation Rules of the American Arbitration Association before resorting to arbitration. Thereafter, any unresolved controversy or claim arising from or relating to this Agreement, or breach of this Agreement, shall be settled in arbitration to be held in Sacramento, California. The arbitration will be governed by the Commercial Arbitration Rules of the American Arbitration Association, and the parties shall be allowed discovery in accordance with the California Code of Civil Procedure. If Sun Ridge and the City cannot jointly select a single arbitrator to determine the matter, one arbitrator shall be chosen by each of Sun Ridge and the City (or, if a party fails to make a choice, by the American Arbitration Association on behalf of such party) and the two arbitrators so chosen will select one additional arbitrator.

The decision of the single arbitrator jointly selected by Sun Ridge and the City, or, if three arbitrators are selected, the decision of any two of them will be final and binding on the parties and the judgment of a court of competent jurisdiction may be entered on such decision. The prevailing party shall be entitled to recover reasonable fees and expenses resulting from any arbitration proceeding.

c. Severability. If any provision of this Agreement shall be held to be invalid, illegal, or unenforceable, such finding shall not affect the validity, legality, or enforceability of the remaining provisions.

d. Assignment. Parties may not transfer, assign, or sublicense this Agreement, any license hereunder, or any of its rights or duties hereunder to any other person, site or corporation without the prior written consent of the other party. Any attempted transfer, assignment, or sublicense made without prior written consent shall be completely void.

e. Notice. Any notice requested or permitted to be given hereunder shall be sent prepaid, certified mail, return receipt requested, and shall be deemed to have been given on the third (3rd) business day after mailing to the other party as follows: to the City at the address indicated in the initial paragraph of this Agreement or to Facsimile No. _____; to Sun Ridge Systems at P.O. Box 5071, El Dorado Hills, CA 95762, Facsimile No. (530) 672-2385. Notices may be given by facsimile transmission to such number as may be specified by the party for such purpose and shall be deemed to have been given when transmitted to such number with confirmation of a successful transmission.

f. Independent Contractors. The parties to this Agreement shall constitute independent contractors. Nothing in this Agreement shall be construed as establishing any employment, partnership, joint venture or similar arrangement between the parties, and no party has any authority to commit any other party to any obligation to any other person or entity, unless expressly agreed to in writing signed by such party.

g. Force Majeure. Sun Ridge shall not be responsible for interruption of, interference with, diminution of, or suspension of any of its products or services, including performance failure, which are caused by strike, lockout, riot, epidemics, war, government regulation, fire, flood, natural disaster, acts of God, utility failures, losses or injuries arising directly or indirectly from criminal acts, negligent acts of others, malfunctions or inadequacies of equipment or service not directly within the control of Sun Ridge.

h. Authorization/Entire Agreement/Modification. This Agreement will be effective upon signing by the City and Sun Ridge. This Agreement is the complete and final Agreement of the parties relating to the subject of this Agreement and it replaces and supersedes any prior or contemporaneous oral or written understandings or agreements. No alteration or variation to the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto.

This Agreement has been executed by the parties hereto, from the date shown on the first page.

SUN RIDGE SYSTEMS, INC.

CITY OF PLEASANTON

By:

By:

Carol Gomes Jackson
Its: President

Gerry Beaudin
Its: City Manager

Exhibit A Scope of Work

Section 1 – Software Licenses

The City has purchased the following software licenses:

- RIMS Computer Aided Dispatch Software
- RIMS Records Management Software
- RIMS Mobile Computer Software
- iRIMS Law Mobile App Software
- RIMS In-Station Mapping Software
- RIMS Mobile Mapping Software
- RIMS Property Room Bar Coding Software
- RIMS Citizen RIMS Public Access Software
- RIMS Collaborate Data Sharing Software
- RIMS Officer Training Management Software

The City has purchased the following RIMS interface software:

- RIMS E911 Link
- RIMS State Link (CLETS) Software
- RIMS Text Paging Software
- RIMS AutoCite (Crossroads) Import Software
- RIMS Body Camera (AXON) Link Software
- RIMS CopLogic (LexisNexis) Import Software
- RIMS to Crossroads Accident Import Software

Section 2 - Project Schedule

Upon execution of the Agreement, Sun Ridge and the City shall define a mutually agreed on project schedule.

Section 3 – Hardware/Equipment

Sun Ridge is providing one (1) Worth Data Bar Code Scanner.

Section 4 – Third-Party Software

Sun Ridge is providing no Third-Party software.

Section 5 - Installation

Sun Ridge will install all Sun Ridge provided Software on City provided servers and will provide instruction to the City staff on how to install the client workstation Software and Mobile/App Software. The City's servers and workstations (including desktop and laptop computers as well as Android and/or iOS devices) shall meet the minimum specifications set forth in Section 13. Access to the City supplied servers shall be via unattended remote access using a product called

Bomgar by Beyond Trust, provided by Sun Ridge. As part of installation, Sun Ridge will setup a basic system backup process to local disks.

Section 6 – Configuration

Sun Ridge will provide the following sessions to the City's designated RIMS Administrators:

RIMS Configuration and Setup: Consists of up to 16 hours conducted via phone and/or remote access. The City's "RIMS Administrators" will be instructed on how to configure RIMS to most closely meet the desired operational procedures of the City. In some cases, the RIMS Administrators may find that modifying existing procedures may be desired in order to take full advantage of RIMS functionality. Discussions will include:

- Customization of drop-down menu choices for 200+ fields
- The City's dispatch operational decisions
- The City's records management operational decisions
- Paper flow vs paperless vs less paper for records
- Selection of case format type
- Review of data conversion processes and implementation, including reviewing data and starting data translations if converted data is available at the time the session is scheduled

Section 7 - Map Engineering Services

Sun Ridge will provide map engineering services assuming an ESRI-based map source. This process involves the City supplying an ERSI street centerline file (and layers) to Sun Ridge so that Sun Ridge can build maps for use by the RIMS mapping software products.

Section 8 – Street File (aka "Geofile") Load

The City and Sun Ridge will work together to determine the best street file source. One "load" of this source file into RIMS is included in the scope. If the City determines that additional iterations of the street file are to be loaded (due to updates or corrections) or determines an alternative source for the street file is preferred, Sun Ridge may charge additional fees for the additional loading.

Section 9 - Integration.

Sun Ridge will provide RIMS sided interfaces for all third-party software applications listed in Section 1 above. The City must coordinate with third-party vendors to complete and test their portion of the interface.

Section 10 - Training

Sun Ridge is providing “end user” training all of which shall be conducted on-site at a City provided location(s). Training days are contiguous, including weekends. Class times are 0800 to no later than 1700. Sun Ridge will provide a training plan at least 30 days prior to the first training session, generally following the parameters and total number of classes set forth in the chart below but with the specifics mutually agreed upon by the Parties.

Sun Ridge will provide course materials/handouts in electronic format in advance of the training. A “session” is a repeat of the same class/material.

End User Training

Subject	Sessions Offered	Days Per Session	Total Days	Class Size
CAD/Dispatcher	2	2	4	No more than 1 student per workstation/10 students per session max
Officers/Mobile Training	5	2	10	No more than 2 students per workstation/20 students per session max
Records	1	1	1	1 student per workstation (also must attend Day 1 of Officer Training)
Property Room	1	1	1	1 student per workstation (also must attend Day 1 of Officer Training)
Officer Training Mgmt. (TIMS)	1	1	1	1 student per workstation (also must attend Day 1 of Officer Training)
IT Go Live Prep	1	.5	1	NA
Admin Review	1	1	1	TBD

Section 11 - Go Live Support

Three (3) Sun Ridge staff will be on site on the day of and two (2) Sun Ridge staff will be onsite the day after go live. Staff will be onsite to answer questions and to address any system problems.

Section 12 – Data Conversion

Data conversion does not include establishing access between RIMS and the current Tyler CAD and RMS systems. The City will provide access to the data, either via a full database backup restored as a SQL database on the RIMS server or by establishing a “linked server” between the RIMS server and the requisite Tyler databases. Once Sun Ridge receives access to the data, Sun Ridge will evaluate it to determine which items may be converted into RIMS. Please note that not all data may be available or suitable for conversion. As part of Sun Ridge’s standard data conversion, we **attempt** to convert the following items. The following items are part of Sun Ridge’s standard data conversion:

RMS Data

People:

- Person Name (including combining duplicates based on 6-way match)
- DOB
- Contact Information
- Description
- Identification Numbers
- Officer Safety Notifications
- Log Entries for Connections to Cases
- Log Entries for Citations
- Log Entries for Field Contacts
- Person Photos (if stored in the RMS and NOT a separate database or system).

Arrests:

- Arrestee
- Date/Time
- Charges
- Counts
- Offense Level
- Disposition
- Booked/Cited Out.
- Arresting Officer ID

Vehicles:

- License (including combining duplicates based on 2-way match)
- License
- State
- Make
- Model
- Year
- Color

- Type
- Log Entries for Connections to Case
- Log Entries for Field Contacts
- Log Entries for Citations.

Cases:

- Location
- Date Reported
- Date Occurred
- Classification/Type
- Offenses
- Case Dispositions
- Date of Dispositions
- Officer ID
- Persons
- Vehicles
- Narratives
- Supplements.
- Attachments to cases to include the following file types: .doc (no imbedded photos), .pdf., .jpeg.

Accident Reports (if stored in Tyler):

- Location
- Date Reported
- Date Occurred
- Classification/Type
- Offenses
- Case Dispositions
- Date of Dispositions
- Persons
- Vehicles
- Narrative
- Supplements
- CHP 555 Form and Diagram as .pdf files as part of attachments process.

Warrants (if applicable):

- Person Name
- Warrant #
- Warrant Date
- Type
- Felony/Misdemeanor
- Reason
- Court
- Judge
- Case #
- Cite
- Docket
- Ref #
- Agency
- Charges
- Comment

- Bail Amount
- Served Date
- Returned Date
- Returned Reason
- Recalled Date
- Recalled Reason.

Property in Cases:

- Category
- Article
- Status
- Description
- Brand
- Model
- Item #
- Property Code
- Locations
- Value-stolen
- Recovered
- Damage
- Officer.

Premises:

- Common Place Name
- Address
- Contract Person
- Contract Phone Number
- Alarm.

Streets (if electronic street file is available):

- Street Name
- Intersections (with block ranges).

Officer:

- Name
- ID

Users:

- Name
- ID

CAD Data

- Incidents:
- Incident Number
- Call Times
- Priority
- Incident Location
- Grid
- Caller Name/Telephone Number
- Complaint Type
- Caller Location

- How Received
- Comments
- Call Category
- Internal Response Area
- OCA Case Number
- Call Reference
- Fire Grade
- Subject Data
- Vehicle Data
- Tract
- ESN
- Alternate Phone Number
- Call Taker
- Position

Officers:

- Name
- ID

Premises: (same as RMS)

Premise History:

Summary of Incidents by Incident Location

Streets: (same as RMS)

Third-party Property Room data conversion is not included.

Attachments stored in separate databases are not included.

Data conversion is an iterative process and requires the City to review converted data as soon as it is loaded and report any errors found to Sun Ridge. The City must identify at least two people to be part of a data conversion review team. This data conversion review team shall promptly review the converted data once it is loaded into RIMS, identify any problems with the converted data, and report those problems to Sun Ridge in an organized manner.

Sun Ridge will then correct the reported errors, re-run the conversion, reload it onto your system and ask the data conversion review team to review the data again. The cycle is repeated as often as is necessary to ensure that the data conversion is as complete and correct as possible. To assist you with the review process, Sun Ridge will have trainers available via phone and remote access to guide the City. Sun Ridge staff are NOT responsible for reviewing or identifying errors in the converted data. They are responsible for facilitating the process with your staff. If during the course of data conversion Sun Ridge staff becomes aware of any error or defect in the data conversion process or the data itself, Sun Ridge staff will notify the City data conversion review team of such error or defect. and if possible, will correct the identified error and reload it onto the City system.

In addition to the continued review of the data for the duration of the project via phone and remote access, there is one (1) day of on-site data conversion review sessions with the Sun Ridge's trainer and your staff prior to system cutover.

Our data conversion specialist will work with your technical staff to determine:

- 1) The best format with which to provide the extracted data to the conversion specialist
- 2) The best method for transferring that data to the conversion engineer; and,
- 3) The timing for the final extract, conversion, and load of data for go live.

The City is responsible for the following:

- Coordinate and schedule resources of the City to include IT staff
- Coordinate the resources of Tyler if needed to provide support for the data conversion process.

Section 13 - The City's Responsibilities

The City is responsible for the following:

- Installation of all remaining client workstations
- Installation of all remaining mobile computers
- Installation of all remaining smartphone/tablet devices
- Coordinate and schedule resources of the City to include IT staff
- Identify RIMS Administrators
- Provide data communications infrastructure (network, wireless, internet, intranet)
- Complete, submit and gain approval of updated DOJ CLETS application
- Coordinate testing of the CLETS Message Switch
- Complete CIBRS certification (if required by DOJ)
- Contact third party vendors, and any other required third-parties, and coordinate their schedules and costs they may charge the City to provide, install and test their portion of the interface to RIMS.
- Provide Geofile (aka "street file") source and build-out
- Ensure accuracy of the geofile
- Provide initial map source file
- Ensure all user-maintained configuration and data validation tables are completed prior to the start of training
- Provide training facilities and workstations (meeting minimum workstations requirements) and ensure access to RIMS training database from the training location(s)

- Training facilities must meet current Federal, State and local guidelines for health and safety, including those that may affect class size and physical configuration
- Make paper copies of class materials and handouts provided by Sun Ridge
- Schedule the City's staff into requisite classes
- Assume any costs for staff overtime or other expenses incurred to support training schedule
- The City will allow **unattended remote access** (during implementation) to Sun Ridge allowing the use of Bomgar by BeyondTrust remote access software so that Sun Ridge may meet its responsibilities under this Agreement
- Purchase a minimum of one (1) DYMO LabelWriter 550 Turbo Label Printer and minimum one (1) month supply of Dymo Labels # 30256 for Property Room
- The City will provide the following hardware meeting the following minimum specifications:
 - **Database Software:** Microsoft SQL Server software (Enterprise Edition) required to run the RIMS database.
 - **Servers:** RIMS software supports a traditional hardware platform or a virtual platform. The hypervisor software products supported - VMWare, Hyper-V, and others. You will need one database server and one application server. The application server does not require as much disk or RAM as the database server.
 - **Minimum Specifications (If using existing hardware) Monitor Resolution: 1920 x 1080**

PC Workstations	Database Server
Windows 10+	Microsoft Windows Server 2016+
4 GB RAM	16 GB RAM
Any size disk	1 TB Disk
	Microsoft SQL Server 2016+

- **Recommended Specifications (If purchasing new hardware)**
Monitor Resolution: 1920 x 1080

PC Workstations	Database Server
Windows 10+	Microsoft Windows Server 2016+
8 GB RAM	32 GB RAM
Any size disk	2 TB Disk
	Microsoft SQL Server 2016+

- **Minimum Specifications (If using existing PCs) - Monitor Resolution: 1920 x 1080**

PC Workstations
Windows 10+
4 GB RAM
Any size disk

- **Recommended Specifications (If purchasing new PCs) - Monitor Resolution: 1920 x 1080**

PC Workstations
Windows 10+
8 GB RAM
Any size disk

- **Mobile Computers:**

- **Recommended Specifications (If purchasing new PCs) Monitor Resolution: 1920 x 1080**

Mobile Computers
Windows 10+
8 GB RAM
Any size disk

- **Additional Features for Mobile Computers:** Wireless-Based Modem, Virus Protection Software, 2 or more USB ports, Internet Access (for Google Maps).
- **Optional features for Mobile Computers:** Touchscreen, Driver License Reader (USB), and Fingerprint reader by Digital Persona.

- **Mobile Application Specifications:**

Mobile App Devices	
iPhones/iPads	Android
iOS v12+	Android v6 (Marshmallow) or greater

- **Property Room Specifications:**

- Provide a minimum of one (1) DYMO LabelWriter 550 Turbo Label Printer
- Provide a minimum one (1) month supply of Dymo Labels # 30256 for Property Room

Exhibit B – Contract Amount

Item	Price
RIMS Computer-Aided Dispatch and Records Management Software	\$315,000
RIMS Mobile Computer Software	\$94,000
RIMS In Station Mapping Software	\$42,000
RIMS Mobile Mapping Software	\$18,000
RIMS Property Room Bar Coding Software	\$35,000
iRIMS Law iOS/Android App Software	\$29,000
RIMS Citizen RIMS Public Access Software	\$13,000
RIMS Collaborate Data Sharing Software	\$14,000
RIMS Officer Training Management Software	\$9,000
RIMS E911 Link Software	\$15,000
RIMS State Link Software (CLETS)	\$15,000
RIMS Text Paging Link Software	\$7,000
RIMS AutoCite (Crossroads) Import Link Software	\$4,000
RIMS Body Camera (AXON) Link Software	\$3,000
RIMS CopLogic Import Software	\$5,000
RIMS to Crossroads Accident Import Link Software	\$2,000
Data Conversion Services	\$67,000
Mapping Data Engineering Services	\$2,500
Worth Data Bar Coding Equipment	\$1,700
Installation and Training	\$163,861
Annual Support and Updates – First Year	\$93,000
Annual Support and Updates – Second Year	\$95,800
Annual Support and Updates – Third Year	\$98,675
Annual Support and Updates – Fourth Year	\$101,635
Annual Support and Updates – Fifth Year	\$104,685
Total Interest - 5%/year Simple Annual Compound	\$85,330
California Sales Tax	\$174
TOTAL – CONTRACT AMOUNT	\$1,434,360

Exhibit C - Support Services Agreement

This is a description of the software support, maintenance, and update/upgrade services to be provided by Sun Ridge to the City ("Licensee") as part of a Software Support Services Agreement ("Agreement"). This Agreement covers all RIMS public safety software (Software) licensed by the Licensee.

Under this agreement Sun Ridge agrees to provide the following services to Licensee:

1. **Coverage Hours.** Sun Ridge will provide a toll-free phone number and dedicated email address for support purposes during normal service hours. Normal service hours are defined as Monday-Friday, 8AM-5PM PST, except for New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, July 4th, Labor Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving, and Christmas Day ("common holidays").

However, for instances where the Licensee's system is completely inoperable due to a Sun Ridge software problem ("critical problems") preventing basic system operation, service will be available 24 hours, 7 days a week, common holidays included. Examples of critical problems include:

- RIMS is down/not responding on multiple workstations
- Cannot create a call for service (CAD Incident)
- Cannot issue a case number
- Unable to access NCIC
- Other issues that will not allow the user to complete critical tasks

Licensee will have taken reasonable measures prior to contacting Sun Ridge's support during non-service hours including:

- Verified that the issue is not related to just 1 workstation
- Restarted the workstation in question
- Contacted in-house IT support if the issue is related to network or server errors
- Verified the issue is critical enough that it cannot wait until normal support hours

2. **Sun Ridge's Response to reported problems.** Sun Ridge agrees to provide service and assistance as expeditiously as possible as follows:
 - a. Most problems will be resolved with the initial phone call or email.
 - b. For problems that cannot be immediately resolved, Sun Ridge will work to resolve the problem based on the severity of the problem *and* the urgency reported by Licensee.

- For critical problems, Sun Ridge personnel will work with Licensee until the situation is resolved.
 - For problems that are not critical problems that have a lesser though continuing impact on operations of Licensee, Sun Ridge will endeavor to provide a solution or workaround within 72 hours of the problem being reported to Sun Ridge by the Licensee.
 - For other problems Sun Ridge may, at its discretion, either issue a near term "fix release" of the product or include the fix in the next scheduled product update.
3. **Licensee equipment and software responsibilities.** Licensee agrees to allow Sun Ridge to remotely connect to Licensee's system when a problem is reported. Sun Ridge uses BeyondTrust remote access software for secure installation and follow-on support services. BeyondTrust software provides superior security and does so over an ordinary internet connection via a Sun Ridge server that hosts a BeyondTrust security hardware device.
- If Licensee does not allow unattended access, the Sun Ridge response to a service request may be delayed until a responsible party of the Licensee allows access. Once remote access is obtained, Sun Ridge will examine data files, investigate reported problems, and provide updates and corrections as necessary.
4. **Provision of software updates.** Sun Ridge will provide all new enhanced and updated versions of software licensed to Licensee at no additional cost. This software will be provided with detailed installation instructions for installation by Licensee. If desired, Licensee may retain Sun Ridge to perform any installation at additional cost to be determined on a per case basis. Updates are distributed via download from the Sun Ridge's ftp web site. Sun Ridge will not be obligated to provide service for release versions that are more than two annual release versions older than the current release.
5. **Term.** The term of support services shall be one year shall be annually renewed for another year upon payment of invoice. Payment for the year is due in advance the day the services begin. Non-payment of the support invoice within 60 days shall be cause for terminating or suspending the support services at the discretion of Sun Ridge.
6. **Termination.** Licensee may terminate support services with or without cause upon ninety (90) days written notice to Sun Ridge. If terminated, Licensee is entitled to a prorated refund for the service days not consumed beginning on the last day of the month the written notice is received by Sun Ridge to the end of the remaining term of the Agreement.
7. **Limitations.** Sun Ridge agrees to provide support only for public safety application software provided by Sun Ridge. Other software used by Licensee (word processing, spreadsheet, etc.) is not included in this Agreement. PC and network operating system software and Microsoft SQL Server database system software is similarly not included, although Sun Ridge may assist Licensee in isolating problems to this software. (Sun Ridge reserves the right to charge for diagnostic services in the event it is determined that the reported issue is not attributable to RIMS.) Also

specifically excluded is responsibility for administration, support, or maintenance of Licensee' server, computer network, operating systems, or database (Microsoft SQL Server).

Licensee may request that Sun Ridge provide support services outside the limitations of this Support Services Agreement. If Sun Ridge agrees to provide any requested additional support services, such support services will be provided at Sun Ridge's current rate and under terms and conditions that Sun Ridge may require.

This Agreement does not include equipment maintenance or assistance in diagnosing hardware problems including but not limited to PCs, printers, network, scanners, and other computer peripheral devices with the exception that Sun Ridge will assist Licensee in determining whether a problem is RIMS application software in nature.

CITY COUNCIL AGENDA REPORT

December 19, 2023
Public Works - Operations Division

TITLE: APPROVE FIRST AMENDMENT TO THE AGREEMENT WITH SMART ENERGY WATER SYSTEMS TO PROVIDE BANKING SERVICES BY INCREASING THE NOT-TO-EXCEED AMOUNT BY \$1,077,531 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$1,638,674 OVER FOUR YEARS

SUMMARY

The City currently uses JP Morgan Chase Bank (JPMC) for Citywide banking services, including utility billing payment services in conjunction with BridgePay (the City's payment processor). In October 2023, the City received notice that BridgePay will no longer be supported effective December 31, 2024. Concurrently, Smart Energy Water Systems (SEW), the City's Customer Service Web Portal for utility billing, had its connection with BridgePay stop working in October. As such, staff is recommending transitioning to SEW's online payment services; in the interim period, SEW is working on a resolution for the current issues.

The City Council initially awarded a professional services contract to SEW for a customer service web portal software implementation and a five-year technical support agreement that started in April 2017 and expired in 2022. Staff then entered into a new one-year agreement for technical support, which expired on June 30, 2023. In June 2023, the Council approved a second five-year agreement with SEW which includes a software upgrade that is currently underway.

Staff recommends the City enter into a first amendment to the multi-year software agreement with SEW to add an additional scope of service for banking services for the period of July 1, 2024, through June 30, 2028, by increasing the not-to-exceed amount by \$1,077,531 for a total not-to-exceed amount of \$1,638,674 over four years. There are no additional costs to the City associated with this proposal since the bank fees currently paid to JPMC are proposed to be paid to SEW.

RECOMMENDATION

Approve and authorize the City Manager to execute the first amendment to the Software Agreement with Smart Energy Water Systems, Inc., to add an additional scope of service to the agreement for banking services by increasing the not-to-exceed amount by \$1,077,531 for a total not-to-exceed amount of \$1,638,674 covering a period of four years (July 1, 2024, through June 30, 2028).

BACKGROUND

In 2016, the City installed new water meters and automated meter reading capabilities. This project enhanced operational efficiencies in meter reading, customer service, billing, and overall water resource management, including a Customer Service Web Portal by Smart Energy Systems, Inc., DBA Smart Energy Water Systems (SEW), which empowers the City's water customers to manage their water usage and pay their bills online. The City Council

initially awarded a professional services contract to SEW for a customer service web portal software implementation and a five-year technical support agreement that started in April 2017 and expired in 2022. Staff then entered into a new one-year agreement for technical support, which expired on June 30, 2023. In June 2023, the City Council approved a second five-year agreement with SEW which includes a software upgrade that is currently underway.

DISCUSSION

The City currently uses JP Morgan Chase Bank for Citywide banking services, including utility billing payment services. JPMC has consolidated electronic consumer payments that utilize BridgePay and Paymentech. The City received notice that BridgePay will no longer be supported for the City's credit card customers, effective December 31, 2024. Concurrently, SEW's connection with BridgePay stopped working in early October, and SEW has not been able to accept customer payments for more than a month. There is one-time charge of \$17,280 (SEW Order Form for Payment Services) to resolve the issue.

Since SEW can provide the payment services that JPMC currently provides, staff evaluated transitioning to SEW for these services. Knowing there are current issues with BridgePay and that the City will need to transition away from Bridgepay in 2024, staff is recommending transitioning to SEW's online payment services for customers paying their utility bill on SEW's platform. Since the City currently has a five-year agreement with SEW there is an opportunity for the City to save both time and money by transitioning to SEW's online payment services at this time. With City Council approval of this amendment, SEW will incorporate the payment services into the implementation of the software upgrade that is part of the second five-year agreement. Meanwhile, SEW is working on a resolution for the current issues, and the transition over to the proposed payment services will not be effective until the implementation of the software upgrade is complete.

The new additional online payment service features included in this proposal allow customers the ability to pay online by the following methods:

- Use Apple Pay and Google Pay
- Use ACH and/or eCheck
- Schedule future payments
- Schedule autopay with credit cards, ACH, and PayPal.

The proposed agreement also includes waiving implementation fees valued at \$35,000 and SEW will waive the one-time charge of \$17,280 for SEW Change Request #3976 if the City transitions to SEW payment services before January 1, 2024. There are no additional costs to the City associated with this proposal since the bank fees currently paid to JPMC are proposed to be paid to SEW. The City is currently paying 2.41% plus bank fees on every credit card transaction through JPMC. The proposal reduces those fees to 1.73% plus bank fees for an estimated annual savings of \$69,000 annually.

Until the new system is fully operational, there are currently several ways for customers to make payments for utility bills:

- By Phone: Call into the automated 24 X 7 phone line
- In Person: Walk into the Operations Service Center at 3333 Busch Road

- Online: Pay online with one of the City's two customer service web portals: Citizen Self-service or Smart Energy Water Systems (SEW)
- Online: Use online bill pay
- By Mail: Mail payments
- Drop Box: Drop off payments in one of the City's two drop boxes
- Auto payment: Call the Public Works Customer Service Center to set up auto-pay.

EQUITY AND SUSTAINABILITY

Staff followed the City Procurement Policy as this item is a routine administrative matter of City business.

OUTREACH

No outreach was conducted, as this item is an administrative matter of City business.

STRATEGIC PLAN ALIGNMENT

Approval of this action advances the Citywide ONE Pleasanton strategic plan goal of *Optimizing Our Organization*, Strategy 2 - Procure and integrate critical software platforms across departments for efficient and effective use by City staff and the public.

FISCAL IMPACT

The proposed cost estimates are based on current historical trends plus annual increases, as there may be a shift of customers using the other traditional payment methods transitioning to the more convenient payment services that SEW offers.

Below are the annual proposed estimates over the five-year term:

	FY 2024/25	FY 2025/26	FY 2026/27	FY 2027/28
Annual Est.	\$250,000	\$262,500	\$275,625	\$289,406

The third through fifth years (FY2025/26 – FY2027/28) reflect a five percent increase from the prior year, allowing for some customers to transition over to the SEW payment services. Staff will monitor the fees and will bring this back to the City Council to adjust the annual amounts if needed.

The total cost of the proposed first amendment is \$1,077,531 over a four-year term. There are no additional costs to the City associated with this proposal since the bank fees currently paid to JPMC are proposed to be paid to SEW. There are projected savings of \$69,000 annually. Funding is already budgeted each fiscal year in the Business Services Division (42040603-433167) account.

Prepared by:



Tamara Baptista, Assistant Dir. of
Public Works - Operations &
Maintenance

Submitted by:



Norm Dorais, Director of Public
Works

Approved by:



Gerry Beaudin, City
Manager

Attachments:

1. First Amendment SEW Agreement 2024086
2. Attachment 1 Exhibit A: SEW Order Form
3. Attachment 1 Exhibit B: SEW Platform Product Change Request (CR) Proposal Form

FIRST AMENDMENT TO AGREEMENT

This First Amendment to Agreement ("First Amendment") is entered into this ____ day of December 2023, by the **City of Pleasanton** ("City") and **SMART ENERGY SYSTEMS, INC., dba Smart Energy Water** ("Consultant").

Whereas, on July 1, 2023, the City and Consultant entered into a Software Services Agreement for providing software for the City's Customer service web portal ("Agreement"); and

Whereas, the parties desire to amend the Agreement to add payment services.

Now, therefore, in exchange for valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. The Parties agree that the first paragraph of Section 1 of the Agreement ("Consultant Services") is hereby deleted in its entirety and replaced with the following quoted provision:

"Subject to the terms and conditions set forth in this Agreement, Consultant shall diligently provide to City the services described in Exhibit A and Exhibit B. Consultant shall provide said services at that time, place, and manner specified in Exhibit A and Exhibit B."
2. Section 4 of the Agreement ("Compensation") costs shall not exceed, the new cumulative amount of \$1,638,674 that reflects an increase based on the additional services in Exhibit B which will increase each fiscal year by the following amount for the five-year term:
 - Increase of \$250,000 for FY 2024/25
 - *Increase of \$262,500 for FY 2025/26
 - *Increase of \$275,625 for FY 2026/27
 - *Increase of \$289,406 for FY 2027/28

Total Increase of \$1,077,531 for Exhibit B services + \$561,143 = \$1,638,674
 *Reflects a 5% increase from previous year
3. This First Amendment may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement. Counterparts may be delivered via facsimile, electronic mail (including pdf or any electronic signature complying with U.S. federal E-Sign Act of 2000 (15 U.S. Code §7001 et seq.), California Uniform Electronic Transactions Act (Cal. Civil Code §1633.1 et seq.), or other applicable law) or other transmission method, and any counterpart so delivered shall be deemed to have been duly and validly delivered and be valid and effective for all purposes.
4. All other terms and conditions of the Agreement shall remain in full force and effect.

In witness whereof, authorized representatives of the parties have executed this First Amendment to the Agreement as of the date and year first above written.

CITY OF PLEASANTON

CONTRACTOR – SMART ENERGY WATER

Gerry Beaudin, City Manager

By: _____
Signature

Print name

ATTEST:

Title: _____

Jocelyn Kwong, City Clerk

*[If Consultant is a corporation, signatures must comply
with California Corporations Code §313]*

APPROVED AS TO FORM:

By: _____
Signature

Print name

Daniel G. Sodergren, City Attorney

Title: _____

Order Form for Premium Payment Services

Between Smart Energy Systems, Inc. dba Smart Energy Water OBO iPaySmart Inc.
 15495 Sand Canyon Ave., STE 100
 Irvine CA 92618
 ("Provider")

And City of Pleasanton
 P.O. Box 520
 Pleasanton, CA 94566
 ("Customer")

1. Order Form

When signed and returned to Provider by Customer this order form by and between Customer and Provider is a binding agreement for the Services listed in this form and effective on the date signed by Customer (collectively, the "Agreement"). This Agreement is governed by and incorporates the terms and conditions that begin on page 3 below.

2. Premium Payment Subscription & Fees

The table below outlines implementation fees and subscription levels as selected by Customer by checking the relevant boxes below.

Absorbed FEE MODEL - PAID BY UTILITY		
☒ Cards (Credit/Debit - Visa, MasterCard, Discover, Apple Pay, Google Pay)		
Customer / Transaction Type	Fee per Transaction	Transaction Limit
Residential & Commercial	Interchange Fees + \$0.05 and 0.08% of payment amount	USD \$100,000.00
☐ Wallets (PayPal, Venmo)		
Customer / Transaction Type	Fee per Transaction	Transaction Limit
Residential & Commercial	1.99%	USD \$100,000.00
☒ ACH / eCheck		
Customer / Transaction Type	Fee per Transaction	Transaction Limit
Residential & Commercial	\$0.15	USD \$100,000.00
Other Fees and Terms		
• Chargebacks: \$5.00 per chargeback (applicable to Cards above) • Returned ACH - Insufficient Funds (NSF) – \$2.50 per ACH NSF Return • Returned ACH – Unauthorized \$4.95 per ACH Unauthorized Return • One time and AutoPay – ACH, Card and PayPal are available for One Time and AutoPay. Venmo is only available for One Time Pay. • Terms Apply: Standard card and bank terms apply. Apple Pay and Google Pay functionality may be restricted to respective browsers. • The pricing stated in the Order Form assumes an Average Payment Amount for the card transactions to be \$504.86 and for ACH transactions to be \$504.86.		

3. Payment Channels

✓	Channel / Product Code	Fee	Description
☒	Web Portal (IPS-10-Web)	Integrated via SEW SCM	Utility web portal experience integrated within provider website.

☒	Mobile Apps iOS & Android (IPS-10-Mobile)	Integrated via SEW SCM	Utility branded mobile apps deployed and maintained in Apple and Google app stores.
☐	Automated IVR (Inbound) (IPS-IVR)	To be priced upon request.	24-hour automated phoneline accessible for end consumers to make payments over the phone using automated interface. Inbound calls only.

4. Other Plans and Subscriptions

✓	Product Name	Fee	Description
☐	24 Hour Support	To be priced upon request	24X7 support for technical support after hours and on weekends.
☐	Onsite Training	To be priced upon request	_____ Days of Onsite Training Conducted in the "train-the-trainer" format. Additional days may be purchased as necessary. Expenses incurred for training to be billed at actual costs. One (1) day of Onsite Training may not be split into additional/separate days.
☐	Pay Smart Chat	To be priced upon request	
☐	Pay Smart Chatbot – Bill Payment	To be priced upon request	
☐	Live Agent Add-on for agent hand-off	To be priced upon request	

All subscription fees for products selected above are paid annually upfront.

5. Acceptance and Authorization

Customer	Provider
Signature:	Signature:
Name:	Name:
Title:	Title:
Effective Date:	Date:

Premium Payment Services Terms and Conditions

Smart Energy Systems, Inc., iPaySmart, Inc. and its affiliates ("Provider") have developed certain proprietary software applications and services for the Customer, and the Parties have agreed that Provider will make the Services described in the Order Form available to the Customer hereunder. Therefore, in consideration of the mutual covenants, terms, and conditions set forth below and in any relevant exhibits or documents, the adequacy of which is hereby acknowledged, the Parties agree as follows

1. Definitions

- 1.1. **"Agreement"** or **"Contract"** shall refer to the main agreement or contract for Cloud Services, as amended from time to time.
- 1.2. **"Approved Payment Types"** shall mean credit and debit means of payment, such as Visa®, MasterCard®, Discover®, E-check and other payment methods as deemed necessary by Provider.
- 1.3. **"Average Bill Amount"** shall mean the total amount of Payments processed through Provider in each month divided by the number for the same month.
- 1.4. **"CPI Index"** means the Consumer Price Index, West Region published by the U.S. Bureau of Labor.
- 1.5. **"Effective Date"** shall be the last date upon which the parties signed the Agreement. The Agreement will not be effective against any party "until that date."
- 1.6. **"Enhancement(s)"** shall refer to any personalization of the Provider Platform to achieve certain additional functional requirements of the Customer, as clarified and agreed during implementation.
- 1.7. **"Fee Assumptions"** shall mean information used to calculate the Provider Service Fee, including the projected Average Bill Amount, projected payment method mix (credit vs debit vs e-check) and the total Payment Amount processed each month resulting from Non-Qualified Transactions.
- 1.8. **"Initial Setup"** shall mean the first personalization and activation of the standard service as specified during the implementation process.
- 1.9. **"IVR"** shall mean an interactive telephone voice response system that facilitates payment by Users.
- 1.10. **"Launch Date"** shall be the date on which Customer launches the Services to the Users.
- 1.11. **"Monthly Uptime Percentage"** shall refer to the difference between 100% and the percentage of time during which the Services are unavailable.
- 1.12. **"Non-Qualified Transaction"** shall mean (i) a Payment made with a card generally issued for business use that results in interchange fees or other processing charges assessed by a Provider Authorized Processor or card association that are higher than those charged for transactions with cards issued for consumer use; (ii) a Payment that does not qualify for reduced interchange fees under programs that Customer may be participating in. or (iii) a Payment that exceeds the transaction limits established in the Agreement. These high-cost cards may include, among others, corporate cards, virtual cards, purchase cards, business cards, and travel and entertainment cards.
- 1.13. **"Order Form"** shall mean the check-box list of services selected by Customer and fee schedule attached to the Agreement.
- 1.14. **"Payment"** shall mean payment by a User through the Platform for Customer's services, Customer's bills, or other amounts owed to Customer.
- 1.15. **"Payment Amount"** shall mean the amount of a Payment.
- 1.16. **"Reversed or Charged-back Transactions"** shall mean canceled transactions due to User error, a User's challenge to Payment authenticity, or action by a financial institution or a Provider Authorized Processor (commonly referred to as ACH or eCheck returns or credit/debit card chargebacks).
- 1.17. **"Services"** shall refer to payment and payment processing services for the Customer powered by iPaySmart, Inc. and its affiliates.
- 1.18. **"Provider Authorized Processor"** shall mean a Provider authorized merchant account provider and payment processing gateway.
- 1.19. **"Provider Platform"** shall refer to Customer's deployment of the digital cloud payments platform, or other applicable software sold directly or through an authorized reseller.
- 1.20. **"Term"** shall mean the period set forth in Section 4 below.
- 1.21. **"Transaction Fees"** shall mean costs and fees incurred by Provider in the ordinary course of processing payments on behalf of Customer.
- 1.22. **"Interchange Fees"** (IC) shall mean interchange, assessment, gateway, and scheme fees and bank foreign handling fees, and any other third party fees incurred by Provider related to processing or payment transactions, which are passed through to Customer by Provider at Provider's cost.
- 1.23. **"User"** shall mean the users of Customer's services.

2. Scope and General Terms

- 2.1. Provider shall provide Services selected by Customer on the attached Order Form in accordance with the terms and conditions within the Agreement. Provider or its authorized agents may, on behalf of customer, procure, setup, and maintain third-party services in order to properly provide the Services for the Customer, dependent upon the Customer's selections. Services enable Users to make Payments by Approved Payment Types. Payments may be made via IVR or secure Internet interface provided on the Provider Platform.
- 2.2. Customer may use the Services solely to:
 - a) Use and make the Services available to Users in connection with the Provider Platform.
 - b) Use the Services in connection with and as necessary for Customer's activities pursuant to these terms or the terms set forth in an applicable license agreement, SaaS subscription agreement, or cloud services agreement.
 - c) Allow any affiliates to use the Services, subject to the terms hereunder.
- 2.3. **Enhancements**
 - a) The Parties agree that the Services are provided on a "platform as a service" basis, and not as a result of custom software development. The Provider Platform may be personalized to achieve certain additional functional requirements of the Customer as clarified and agreed during implementation ("Enhancements"). Enhancements may include some or all of the features included in any technical requirements or similar document provided to Provider. The Parties will fully cooperate with one another to: 1) ensure that requirements with respect to Enhancements are clarified as needed; 2) accept Provider's proposed reasonable alternatives to achieve Customer's functional objectives within the limits of the Provider Platform; and 3) accept Provider's reasonable estimates of time of completion, designs and plans with respect to agreed Enhancements. There will be no fee charged by Provider to Customer for Enhancements, provided Provider designs and plans are accepted by Customer. If the Services are to be offered at multiple locations, or if the Services include multiple Enhancements, the Parties will agree to a phased implementation.
- 2.4. In relation to the Services provided under this Agreement, Customer agrees that:
 - a) Customer shall not transfer, resell, lease, license, or otherwise make available the Services or Provider Platform to third parties or offer it on a standalone basis, or make any representation, warranty, or guarantee to any end user or third party on behalf of Provider concerning the Services.
 - b) Provider shall be entitled to use any Customer data that is necessary to provide the Services.

- c) Customer's use of the Services does not violate the terms of the Agreement or these terms and conditions.
- d) Customer shall not use the Services or Provider Platform to create, train, or improve (director or indirectly) a substantially similar product or service.
- e) Customer shall not reverse engineer, decompile, disassemble, or otherwise create, attempt to create or derive, or permit or assist anyone else to create or derive the source code of any Services or Provider Platform provided in connection with the Agreement or these terms and conditions.
- 2.5. Provider will charge Customer's utility consumers a service fee for each Payment ("Provider Service Fee") or invoice Customer separately per transaction, as provided in the attached order form.
 - a) The Provider Service Fee is to be collected in addition to the corresponding Payment or invoiced to Customer, as designated by Customer.
 - b) For each Payment, the Provider Service Fee will be collected and Provider will pay the corresponding processing and related fees of the Approved Payment Types ("Transaction Fees") except for fees related to Reversed or Charged-back Transactions.
 - c) A schedule of Provider Service Fees is in the Order Form. The Provider Service Fee is based on the Fee Assumptions. Customer shall be billed additional Provider Service Fees equal to three percent of the Non-Qualified Transaction amount for each month.
 - d) Provider may amend the terms upon prior written notice to Customer if a change is caused by changes in the card or payment system rules or changes in credit card fees or if the Fee Assumptions prove to have been materially incorrect. The amended Service Fee shall take effect thirty (30) days after written notice to Customer.
- 2.6. Explicit User Confirmation - Provider shall confirm the dollar amount of all Payments, and when paid by the User, the corresponding Provider Service Fee to be charged to a card and electronically obtain the User's approval of the charges prior to initiating card authorizations transaction. Provider shall provide User with electronic confirmation of all transactions.
- 2.7. Merchant Account - Provider will arrange for Customer to have a merchant account with the Provider Authorized Processor for processing and settlement of the card transactions.
- 2.8. Card Authorization - For authorization purposes, Provider will electronically transmit all card transactions to the appropriate card-processing center, in real time as the transactions occur.
- 2.9. Client's Responsibilities - In order for Provider to provide the Services outlined with the Agreement, Customer shall cooperate with Provider by:
 - a) Entering into all applicable merchant card, cash management, ACH origination, or kiosk agreements.
 - b) Keeping throughout the duration of the Agreement or these terms and conditions, a bill payment link connecting to Provider System at a prominent and mutually agreed location on Customer's website. The phone number for IVR payments will also be added to the web site. Customer will also add the IVR payment option as part of Customer's general phone system.
 - c) Sharing User Adoption marketing as may be performed under this or another agreement or Order Form.
 - d) Launching the Service within thirty (30) days of the merchant account setup.
 - e) Dedicating sufficient and properly trained personnel to support the implementation process and its use of the Services in compliance with all laws applicable to its use of the Services.
- 2.10. Provider shall make the Services available and guarantee a Monthly Availability of 99.5%, notwithstanding any unavailability or performance issues of the Services caused by or as a result of the following (collectively, the "Exclusions"):
 - a) Factors that are outside of Provider's reasonable control, including, without limitation, any force majeure event, telecommunications provider-related problems or issues, internet access or related problems occurring beyond the point in the network where Provider maintains access and control of the Services.
 - b) Any actions or inactions of Customer or any third party.
 - c) Any Customer application(s), equipment, software, or other technology, third party equipment, software, etc. not authorized for use with the Services.
 - d) Routine or scheduled maintenance for which Provider will provide at least twenty-four (24) hours of advanced notice.
 - e) Problems or issues related to alpha, beta, or not otherwise generally available in Provider features or products.

3. Payment

- 3.1. **Net 30.** Customer agrees that payment is due upon receipt of Provider's invoice, payable within 30 days of the date of such invoice.
- 3.2. **Offsets.** Customer agrees that Provider shall have the right to deduct the value of sums collected on behalf of Customer during the Term.

4. Term

- 4.1. The initial term commences on the Effective Date and ends June 30, 2028.

5. Renewals

- 5.1. Upon the expiration of the Term, this Agreement shall automatically renew for successive one (1)-year period (each, a "Renewal Term"); provided however; that Customer may elect to not renew the Agreement by providing Provider with written notice of such election no less than 90 days prior to the expiration of the then-current term. For the avoidance of doubt, Provider shall not be required to refund any previously paid fees, regardless of when termination occurs during the Term or Renewal Term. In each such Renewal Term, the fees set forth in this Agreement (including, without limitation, annual and monthly subscriptions, one-time, and/or volume-based fees) shall increase by a percentage equal to the percentage change in the CPI Index; provided that, in no event will the fees decrease ("CPI Adjustment(s)"). For the avoidance of doubt, the CPI Adjustments shall be calculated on a compounded basis since the last increase or setting of fees. In other words, the CPI Adjustment for the first Renewal Term will be equal to the cumulative, compounded percentage change in the CPI Index compared to the commencement of the initial Term and the CPI Adjustment for the second Renewal Term will be equal to change in the CPI Index since the commencement of the first Renewal Term.

6. Settlement and Payment Terms

- 6.1. Provider together with its authorized card processor shall forward the payment transactions, and when paid by User, the corresponding Provider Service Fee to the appropriate card organizations for settlement (other than the Provider Service Fee) directly to Customer's depository bank account previously designated by Customer (hereinafter the "Customer Bank Account"). When as provided in the Order Form Customer pays the Provider Service Fee, Provider will invoice Customer and debit the fees from Customer's account on a monthly basis.
- 6.2. Provider together with the Provider Authorized Processor will continuously review its settlement and direct debit processes for its simplicity and efficiencies. Customer and Provider agree to fully cooperate with each other if Provider were to change its settlement and invoicing processes.
- 6.3. Customer shall be invoiced for applicable one-time initial setup fees, maintenance and support fees, and monthly service type fees upfront upon signing of the Agreement and annually thereafter if applicable. The usage fees applicable to inbound and outbound SMS messaging, voice call messages, or interactive voice recording messages, that are selected by the Customer shall be invoiced based on monthly intervals. Customer agrees to make all payments to Provider within thirty (30) calendar days after receipt of invoice. Late invoices will incur a late payment fee of 1.5% or the maximum allowable under the law, whichever is less. If Customer's account is sixty (60) days or more overdue, Provider reserves the right with prior written notice to withhold performance of its obligations under the Agreement or these terms and conditions, without liability, until such payments are

paid in full, or to terminate for cause. Fees under the Agreement and these terms and conditions shall additionally be exclusive of all taxes, levies, or duties imposed by taxing authorities, and Customer shall be responsible for all applicable taxes, levies, or duties hereunder based on Customer's income.

7. Insights

7.1. **Aggregate Data, Anonymized.** Customer hereby grants Provider the right to anonymize and aggregate data generated from the Provider Platform to create insights for comparison of local, regional, national and global usage, consumption or other trends resulting from such data.

7.2. **Customer Access.** Provider will enable Customer to display aggregated and anonymized insights data to enhance the customer experience for Customer's end users.

8. PCI DSS

8.1. For PCI Compliance, Customer shall have two options for using the Services - Provider Platform; or Any other configuration.

8.2. To eliminate or substantially reduce any PCI compliance risks, and to render all Customer systems out of scope from PCI compliance requirements, Client agrees to use Provider's Platform, where Provider uses its own platform to capture payments and to manage the entire end to end user experience from the following channels for payment acceptance: Web, Mobile, IVR, and Point-of-sale devices operated by Customer's employees (per Provider's recommended setup), recurring payments, eBill Presentation, etc. If Customer however chooses any other integration, such as third-party web pages integrated with APIs, third-party gateway pages, or its own IVR systems or other point-of-sale or customer self-service solutions, or a cashiering model from a third-party, Customer expressly agrees that Customer shall not be exempt from PCI requirements and shall be liable for any data breaches occurring on its own systems as Customer recognizes that Customer systems are participating in the transactions and are in scope for PCI compliance. Under those circumstances, Provider shall not be responsible for any PCI obligations outside of Provider's own platform, and Provider expressly disclaims any PCI or security obligations related to Customer systems or third-party systems that participate in the payment transactions that are outside of the Provider Platform.

8.3. Provider highly recommends that Customer uses the Provider Platform to substantially reduce its PCI compliance and data breach risks.

8.4. If Customer chooses to use any other option than the Provider Platform, Customer agrees and warrants that Customer shall remain PCI compliant throughout the term of the Agreement. For clarity, Customer's utilization PCI compliant applications, such as its billing software, does not eliminate the need for Customer to be PCI compliant. Per PCI requirements, if a party's systems participate in processing, accepting, or storing card transactions, that party is required to be PCI compliant as the systems are in scope.

9. Reversed or Charged-Back Transactions

9.1. With respect to all Reversed or Charged-back Transactions, Customer authorizes Provider and Provider Authorized Processor (and/or the respective card organizations) to debit the Customer Bank Account for the Payment Amount and Provider shall refund the card organization for the credit back to the User, the corresponding Provider Service Fee, if any. Provider, together with Provider Authorized Processor(s), will continuously review its processes for Reversed or Charged-back Transactions for simplicity and efficiencies. Customer and Provider agree to reasonably cooperate with each other if Provider requires any change to its settlement and invoicing processes for these transactions.

10. Warranty and Liability

10.1. **DISCLAIMER OF WARRANTY.** WITH THE EXCEPTION OF THE SERVICE LEVEL COMMITMENT SET FORTH IN SECTION 2.4, THE SERVICES UNDER THESE TERMS AND CONDITIONS ARE PROVIDED "AS-IS," EXCLUSIVE OF ANY WARRANTY, INCLUDING, WITHOUT LIMITATION, ANY IMPLIED WARRANTY OF MERCHANTABILITY, SATISFACTORY QUALITY, FITNESS FOR A PARTICULAR PURPOSE, NONINFRINGEMENT, OR ANY OTHER WARRANTY, WHETHER EXPRESS OR IMPLIED. PROVIDER DOES NOT WARRANT THAT THE SERVICES ARE OR WILL BE ERROR-FREE OR MEET ALL CUSTOMER REQUIREMENTS. WITHOUT LIMITING THE FOREGOING, SERVICES MAY BE SUBJECT TO LIMITATIONS OF THE TELECOMMUNICATIONS PROVIDER, HOSTING ENVIRONMENT, DELAYS, INTERNET SERVICE PROVIDER, THIRD PARTIES, ACTIONS OR INACTIONS OF THE CUSTOMER, AND OTHER PROBLEMS INHERENT TO THE USE OF MASS-MARKET NOTIFICATION SERVICES AND ELECTRONIC COMMUNICATIONS. PROVIDER IS NOT RESPONSIBLE FOR ANY DELAYS, DELIVERY FAILURES, DELETIONS, LOSS OF DATA, DATA CORRUPTION, THIRD-PARTY PUBLICATION, OR OTHER DAMAGES RESULTING FROM SUCH PROBLEMS NOT CAUSED BY PROVIDER OR OUTSIDE OF PROVIDER'S REASONABLE CONTROL. TO THE EXTENT SUCH DISCLAIMER CONFLICTS WITH APPLICABLE LAW, THE SCOPE AND DURATION OF ANY APPLICABLE WARRANTY WILL BE THE MINIMUM PERMITTED UNDER SUCH LAW. PROVIDER SHALL NOT BE LIABLE AND WILL HAVE NO OBLIGATION TO INDEMNIFY CUSTOMER FOR END USER DATA OR ANY OTHER PERSONALLY IDENTIFIABLE INFORMATION SENT TO PROVIDER.

10.2. **LIMITATION OF LIABILITY.** IN NO EVENT WILL PROVIDER'S AND ITS LICENSORS' TOTAL AGGREGATE LIABILITY ARISING FROM OR RELATING TO THESE TERMS AND CONDITIONS EXCEED THE SPECIFIC DOLLAR AMOUNT OF THE PROVIDER SERVICE FEE PAID TO PROVIDER FOR THE PARTICULAR PAYMENT TRANSACTION WHICH IS THE SUBJECT MATTER OF THE CLAIM OF DAMAGE. TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, AND REGARDLESS OF WHETHER ANY REMEDY SET FORTH HEREIN FAILS OF ITS ESSENTIAL PURPOSE, IN NO EVENT WILL PROVIDER OR ITS LICENSORS BE LIABLE TO YOU OR ANY THIRD PARTY FOR ANY CONSEQUENTIAL, INDIRECT, INCIDENTAL, SPECIAL OR SIMILAR DAMAGES, INCLUDING WITHOUT LIMITATION, ANY LOST PROFITS, OPPORTUNITIES, DATA, OR USE, ARISING OUT OF THE USE OR INABILITY TO USE THE SERVICES, EVEN IF PROVIDER HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES OR A REMEDY FAILS OF ITS ESSENTIAL PURPOSE.

10.3. **Recordings and Communications Monitoring.** In the event Customer records or monitors any SMS messages, IVR communications, or other communications using the Services, then Customer represents and warrants that it shall comply with all applicable laws prior to doing so at all times. Provider makes no representations or warranties with respect to recording or monitoring telephone calls/IVR communications, SMS messages, or other communications, and recommends that Customer always secure prior consent to record or monitor communications using the Services. Customer acknowledges that these representations, warranties, and obligations are essential to Provider's ability to provide the Services, and further agrees to indemnify Provider and its service providers in the event of any acts or omissions in connection with recording or monitoring IVR communications, SMS messages, or other communications, whether such claims arise under contract, tort, statute, or other legal theory.

11. Additional Terms

11.1. **Short Codes.** If Customer utilizes a short code with Provider as a part of the Services, Customer:

- Shall not change the short code use case without first having such new use case approved by Provider or the applicable provider.
- Shall stop sending additional messages to any party that replies by texting "STOP" (or the equivalent) to the short code, except for a single text message confirming that such party has been successfully opted out of the short code.
- Shall follow all applicable rules, regulations, laws, statutes, or guidelines set by state, local, or federal legal authorities, or as imposed by Provider or its service providers pertaining to the use of short codes or voice recordings.

11.2. **Compliance with Laws.** Both Customer and Provider agree to comply with the applicable laws relating to each Party's respective activities pursuant to the Agreement and these terms and conditions.

11.3. **No Waiver.** Our failure to enforce at any time, any provision of the Agreement, these terms and conditions, or any other applicable policy or signed writing in connection hereto shall not waive our right to do so later. Any waiver must be in writing and signed by both Parties to be legally binding.

11.4. **Independent Contractors.** The Parties are independent contractors and will so represent themselves in all regards. Neither Party is the agent of the

other, and neither may make commitments on the other's behalf.

- 11.5. **Force Majeure.** No delay, failure, or default, other than a failure to pay fees, will constitute a breach of these terms and conditions, to the extent that such delay, failure, or default, or any other breach is caused by acts of war, terrorism, earthquakes, other acts of God or of nature, strikes or labor disputes, embargoes, or other causes beyond the performing Party's reasonable control.
- 11.6. **Assignment & Successors.** Customer may not assign the Agreement, these terms and conditions, or any of its rights or obligations hereunder without Provider's prior written consent. Except to the extent forbidden herein, these terms and conditions will be binding upon and inure to the benefit of the Parties' respective successors and assigns. Any attempt to assign, transfer, or delegate these terms and conditions shall be null and void.
- 11.7. **Notices.** Any notice required or permitted to be given under these terms and conditions will be given in writing to the receiving Party by personal delivery, certified mail, return receipt requested, overnight delivery recognized by a nationally recognized carrier, or by email upon confirmation of receipt. Notices to Provider shall be copied to contracts@ipaysmart.ai.
- 11.8. **Modification.** Modifications to the Services and associated fees thereof may be made from time to time, and any modifications made to the Services, or associated fees, shall be noticed to the Customer thirty (30) days prior to such modifications taking effect.
- 11.9. **Severability.** To the extent permitted by law, the Parties waive any provision of law that would render any clause of these terms and conditions invalid or unenforceable. In the event that a provision herein is held to be invalid or unenforceable, such provision will be interpreted to fulfill its intended purpose to the maximum extent permitted by law, and the remaining provisions of and these terms and conditions will continue in full force and effect.
- 11.10. **Choice of Law & Jurisdiction:** These terms and conditions will be governed by the laws of the State of California, without reference to any conflicts of law principles. The Parties consent to the personal and exclusive jurisdiction of the federal and state courts of Orange County, California.
- 11.11. **Conflicts.** Should and these terms and conditions conflict with any other agreements or terms, these terms and conditions will govern.
- 11.12. **Construction.** The Parties agree that these terms result from negotiations between them. These terms and conditions will not be construed in favor of or against either party by reason of authorship.
- 11.13. **Entire Agreement.** These terms and conditions, along with the Agreement, set forth the entire agreement of the Parties and supersedes all prior or contemporaneous writings, negotiations, and discussions with respect to its subject matter, with the exception of an applicable license agreement, SaaS subscription agreement, or statement of work. Neither Party has relied upon any such prior or contemporaneous communications except those expressly referenced and named herein.
- 11.14. **Amendment.** These terms and conditions may only be amended in writing by authorized representatives of each Party.

Implementation Services Addendum

Pursuant to the agreement between Provider and Customer under the Order Form for Premium Payment Services executed on [____], the Customer has engaged the Provider to deliver the following services.

Scope of Services

The scope for services includes the following key implementation activities:

1. Conducting a solution confirmation workshop for payment integration to incorporate Customer's business rules.
2. Configuration and setup of the Payment Services as mentioned below.

Selection	Activity	Description
☒	Integration with Customer system	Client CIS/Billing System: API or daily file transfer using Secure FTP for posting payment. Set up of SFTP and configuration of batch jobs for the transfers of daily payment reconciliation reports.
☒	Setup web payments	Configure and setup white labeled web portal for online payment options with Customer branding and linked to Customer's website.
☒	Setup mobile apps	Configure and deploy white labeled Apple iOS and Android mobile apps with Customer branding.
☒	Setup notification services	Account set up and configuration of all billing notifications based on designated channels as outlined in this agreement.
☒	Customer Service Portal (CSP)	Configuration of CSP Payment Analytics to provide summary dashboard, payment details and reconciliation reports of payment transactions. Client staff can make payment transactions for customers in CSP.
☐	Automated IVR line setup	Setup inbound automated IVR phone line for end consumers to call in and make automated payments (up to 3 accounts max tied to a number).
☐	Live agent service setup	Setup inbound live agent call line for end consumers to call in and make payments.
☐	SMS Text / Text-to-Pay	Ability for customers to pay bills via text (up to 3 accounts max tied to a number)

Features In Scope

Payment Features In Scope		
Selection	Deliverable	Description
☒	One-Time Payments - Authenticated	Customer is a registered user of payment portal and is required to Login to make payments.
☒	One-Time Payments - Unauthenticated	Customer can make guest payment without being a registered user in the web portal.
☒	Automatic Recurring Payments	Ability to enroll in autopay to have the full bill balance deducted monthly based on due date or selected days prior to due date (up to 10 days prior to due date).
Administrator Features In Scope		
Standard	Deliverable	Description
	Payment Setup	Merchant ID, Convenience Fees configuration
	Payment Dashboard	CSP Analytics Dashboard to show summary and details of payment transactions
	Payment Reconciliation Reports	Deposit summary report, deposit details report, chargeback reports, ECP return reports, transfer summaries. These reports will be provided via batch files as well as under Admin Portal
	Refunds and Voids	Ability for CSR to refund or void payment transactions via the Admin Portal

Multi-Channel Notification Services

The following notification workflows are in scope of the implementation services.

Notification	Email	SMS	IVR
eBill Ready Notification	Y		
Payment Reminder	Y		
Payment Delinquent	Y		
Autopay Enroll/Unenroll Confirmation	Y		
Autopay Enroll/Unenroll Confirmation	Y		

Note: All outbound notifications shall be one-way with exception of Text to pay and IVR payment. SMS and IVR notifications require appropriate subscription to be purchased in the Order Form.

Assumptions

1. Client shall be responsible for coordinating the access to any Client owned and third-party data and interfaces required for integration. These API's/services are expected to be fully tested by Client and error free.
2. Client will provide timely responses to Provider for any of Provider's information needs, as well as timely review of project documents provided.
3. To the extent feasible, Provider will utilize existing web service interfaces to meet the requirements stated in this Addendum.
4. Provider team will migrate existing Customer Notification preference data to the provider platform however any validation or cleansing of the source data is not in scope. Provider team will work with the Client team to identify and catalog the data for migration and agree upon a migration strategy. Upon completing the strategy for data conversion and migration, Provider shall be responsible for taking the data in the source format and translate and convert to the IPS platform.
5. In the event Client has not purchased On-site Training in Section 4 (Other Plans and Subscriptions), Provider will provide up to 8 (eight) hours of webinar-based remote training. Provider will assist Client personnel or designated training provider with preparation of materials and delivery of the train the trainer program. Training materials will only include software User Guides adapted for the Client software modules and features in scope. Development of tailored training material to incorporate the Client's business process is not in scope but may be added as part of a separate Change Request.
6. Training will be conducted in a train the trainer format. (CSRs to be trained by the trainers). End user (Utility customer) training is not in scope of this SOW.
7. Client trainers will deliver end-user training with Provider trainers in a supporting role. The Client training coordinator will be responsible for scheduling end-users, material duplication, and training facilities. Provider will assign a trainer from Provider team to work with Client during training sessions.
8. Provider will provide a template with test case scenarios for testing. Client shall prepare and provide the required test data sets that meet the test scenario on time in the QA environment while ensuring data quality. Test data preparation activity may include Data cleaning, conversion, migrating data from a legacy system and shall be Client's responsibility.
9. Client shall be responsible for providing test data on timely basis for testing of all functional scenarios in scope of the project.
10. All project activities will be performed, and Deliverables will be created in English.
11. The Client will ensure that they have appropriate agreements in place with third parties whose work may affect Provider's ability to provide the Services. Unless specifically agreed to otherwise in writing, Client is responsible for the management and performance of the third parties, and for any third-party hardware, software or communications equipment used in connection with the Services.
12. The Client will make key business users available to play critical roles in the workshop.
13. Provider and Client will review the scope and deliverable expectations before work begins in order to provide a common understanding by both parties.
14. The Client is responsible for identifying the trainers to participate in train the trainer activities, rooms for training sessions, managing enrollment and any costs associated additional training sessions and attendance of Client trainees and Provider personnel at such training sessions.



SEW Platform Product Change Request (CR)

Client Name	City of Pleasanton
Change Summary	Pleasanton -Customers can not make payments
Software	SCM
CR ID	CR-3976
Contract ID	City_of_Pleasanton_2023_10_10_SVC

Change Request Details

Pursuant to the MSA/STATEMENT OF WORK entered between Smart Energy Systems, Inc. dba Smart Energy Water ("SEW") and City of Pleasanton ("Client"), Client would like to:

1. What is the problem we are trying to solve, and why was this CR created? No payments came through in yesterday's file. Pleasanton had 4 customers contact them that they could not pay via mobile app or website. "Hello, I am trying to pay my bill but it is not processing. When I click Pay it is staying in the "Please Wait" window forever, on multiple computers with multiple cards." When I referred him to download the app, he did but got the same message as the one below where it states "no usage data available to display. A meeting was had with BridgePay and SEW. BridgePay pointed out that the SEW configuration of connection to their Gateway needed to be reconfigured. They put the SEW team through the process and provided documents which also needs SEW to go through a Certification process.
2. What is the CR Priority and Customer temperature? This is a high priority
3. Draft the CR requirements in detail.

A meeting was had with BridgePay and SEW.

BridgePay pointed out that the SEW configuration of connection to their Gateway needed to be reconfigured. They put the SEW team through the process and provided documents which also needs SEW to go through a Certification process.

Testing & Certification - Developer Center - BridgePay (atlassian.net)

SEW is looking into reconfiguring the gateway connection and certification.

In the interim, a banner has been placed on client's portal directing customers to call 925-931-5500 and press option 1 to pay by credit card by phone.

4. Include any details logic suggested by the client. BridgePay pointed out that the SEW configuration of connection to their Gateway needed to be reconfigured. They put the SEW team through the process and provided documents which also needs SEW to go through a Certification process.

5. What Modules and screens impacted? Payments Via Mobile App and Website

6. Can the base features cover these requirements? Yes



SEW Platform Product Change Request (CR)

Additional/Supplemental Information (i.e. screenshots, mock-ups, detailed requirements):

1. Bridgepay provided us new API (<https://www.bridgepaynetsecuretest.com/Transaction.API/api/transaction>) which needs to be integrated on QA and UAT first.
 - API documentation:
<https://bridgepaynetwork.atlassian.net/wiki/spaces/DC/pages/191791150/Direct+API+Integrations>
 - <https://documenter.getpostman.com/view/19035881/2s93JnT6Vg>
2. We need to certify the changes after integrating them into QA and UAT.
3. Once the integration and testing has been completed, we need to submit certification script to the Integration Support team.
4. After certification approval, a certification letter will be issued, and we'll receive the new merchant account

Recommended Solution

Type of Change	☐ Additional Modules	☒ Customization	☐ Additional Licenses
	☐ Additional Services	☐ System Integration	
Implementation Priority	☐ Critical	☒ High	☐ Normal ☐ Low

Fees and Payment Terms

Total Cost (USD)	\$17,280 (One-time)
Payment Terms	• The total cost of this Change Request is due upon signing but shall be waived, provided that the City of Pleasanton enter into a mutually agreed upon Order Form for Premium Payment Services with iPaySmart Inc. on or before December 31, 2023. Otherwise, the total cost of this Change Request will be invoiced on January 1, 2024. • Late Payment penalties are applicable in accordance with the terms and conditions of the applicable SOW. • This Change Request shall result in the allocation and dedication of resources for the commencement and delivery of the change(s) or solution(s) described above. Therefore, any delay in schedules by Client may adversely affect the timely delivery of this and other Change Requests and incur additional charges.

Accepted By: City of Pleasanton	Accepted By: Smart Energy Water
Signature:	Signature:
Name:	Name: Harman Sandhu
Date:	Date:

CITY COUNCIL AGENDA REPORT

December 19, 2023
Public Works - Engineering Division

TITLE: ACCEPT SUBDIVISION IMPROVEMENTS CONSTRUCTED BY SUN MEADOWLARK LLC ASSOCIATED WITH TRACT 7813 AT 3459 OLD FOOTHILL ROAD, AND AUTHORIZE RELEASE OF FINANCIAL SECURITIES

SUMMARY

City Ordinance No. 1942 and PUD-58, adopted on November 7, 2006, approved the subdivision of an approximate 30-acre parcel located at 3459 Old Foothill Road into eight single-family home lots, one 22-acre open space parcel that was deeded to the City, and four non-buildable parcels that were subsequently transferred and merged with adjoining residential lots within Tract 5812 (8001, 8019, 8037, and 8055 Jorgensen Lane). Planning Commission Resolution PC-2007-25 also approved Vesting Tentative Tract Map 7813 on May 23, 2007. A Subdivision Agreement associated with Tract 7813 between the City and the subdivider, Sun Meadowlark LLC, governed the construction of subdivision improvements as guaranteed by financial securities held by the City in conformance with California law.

Tract 7813 created Kingbird Court (a public street) and dedicated public service and storm drain easements to the City. An Easement and Maintenance Agreement transferred the City's maintenance obligations for the subdivision's stormwater treatment facility as well as Landscape Buffer Areas within the open space to the subdivider. A Stormwater Treatment Measures Inspection and Maintenance Agreement also obligated the subdivider to operate a stormwater treatment facility in perpetuity. The subdivider subsequently transferred these obligations to the Sun Meadowlark Estates Owners Association.

Now that construction of the required subdivision improvements is complete, the subdivider has requested formal acceptance of the improvements governed by the Subdivision Agreement and the release of applicable financial securities.

RECOMMENDATION

1. Accept the subdivision improvements constructed as part of Tract 7813, 90 calendar days after this action pursuant to California Government Code §66499.7.
2. Authorize the release of the Labor and Materials Bond held as financial security in the amount of \$3,199,000 (Bond No. 4454782 by Markel Insurance Company), 90 calendar days after this action assuming no liens are filed.
3. Authorize the release of the Performance Bond in the amount of \$3,199,000 (Bond No. 4454782 by Markel Insurance Company) held in lieu of the Maintenance and Defect Security described in Section 7 of the Subdivision Agreement, one calendar year after this action assuming no latent defects are discovered.

BACKGROUND

On October 17, 2006, the City Council approved the Initial Study/Negative Declaration, General Plan Amendment, Rezoning, and draft Ordinance associated with PUD-58.

On November 7, 2006, the City Council adopted Ordinance No. 1942 and PUD-58, a Planned Unit Development (PUD) by Charles and Scott Austin to construct subdivision improvements associated with Tract 7813.

On May 23, 2007, Planning Commission Resolution PC-2007-25 also approved Vesting Tentative Tract Map 7813.

On September 19, 2014, the City entered into a Development Agreement with Charles, Scott, and Ian Austin (Document No. 2014-299747) that extended the duration of the City approval and memorialized fees to be imposed on the development. On the same day, the Austins deeded a 22-acre open space parcel to the City (Document No. 2014-299746).

On May 18, 2018, the Austins transferred ownership of the eight-acre development parcel to Sun Meadowlark LLC, which assumed all City obligations associated with Tract 7813 (Document No. 2018-098946).

On March 3, 2020, the City Council approved the final map for Tract 7813 (Book 363 of Maps at Pages 33-36), a Subdivision Agreement, and an Easement and Maintenance Agreement (Document No. 2020-205279) with Sun Meadowlark LLC. On the same day, Sun Meadowlark LLC entered into a Subdivision Agreement with the City that defined the subdivider's obligations.

On June 22, 2020, Sun Meadowlark LLC entered into a Stormwater Treatment Measures Inspection and Maintenance Agreement (Document No. 2020-205277) that memorialized the subdivider's obligations with respect to stormwater management.

On August 18, 2020, the City Council authorized the City Manager to grant a private utility easement with maintenance and relocation covenant across the City-owned open space parcel for the benefit of adjoining property owners Michael and Jennifer Segundo.

On August 20, 2020, the subdivider recorded a Declaration of Covenants, Conditions, and Restrictions of Sun Meadowlark Estates, a homeowner's association (Document No. 2020-205278).

On March 3, 2022, the City and Sun Meadowlark LLC executed a First Amendment to Subdivision Agreement that extended the agreement for an additional one-year term.

On March 3, 2023, the City and Sun Meadowlark LLC executed a Second Amendment to Subdivision Agreement that extended the agreement for an additional one-year term.

DISCUSSION

Tract 7813 constructed Kingbird Court, a public cul-de-sac that extends west from Foothill Road near the Alviso Adobe Community Park. The cul-de-sac includes City-operated public utilities (water, sanitary sewer, and storm drainage) as well as sidewalks and streetlights. A

constructed walkway along the Foothill Road frontage of the Alviso Adobe park will be maintained by the City as well as the surrounding landscape improvements.

The Sun Meadowlark Estates homeowner's association will maintain the frontage landscaping south of the cul-de-sac, which includes a stormwater treatment facility. The association will also maintain a fire-break area within the adjoining open space that surrounds the rear yards, as well as a wetlands area within Lot 2.

Acceptance of the constructed public improvements will add to the City's inventory of infrastructure requiring long-term maintenance. Specifically, the following public improvements were added:

Description	Quantity	Unit	Value (nearest thousand)
Roadway pavement	22,550	Square feet	\$105,000
Street signs	2	Each	\$1,000
Pavement markings	1	Lump sum	\$6,000
Curb & gutter	1,447	Lineal feet	\$51,000
Sidewalk	7,247	Square feet	\$58,000
Driveways	8	Each	\$10,000
Curb ramps	5	Each	\$15,000
Storm drain pipe	2,007	Lineal feet	\$116,000
Storm drain manholes	9	Each	\$35,000
Storm drain curb inlets	6	Each	\$23,000
Streetlights	5	Each	\$25,000
Subtotal (General)			\$445,000
Sewer manholes	4	Each	\$22,000
Sewer pipe	471	Lineal feet	\$28,000
Water pipe	489	Lineal feet	\$32,000
Fire hydrants	2	Each	\$12,000
Water meters	10	Each	\$45,000
Subtotal (Enterprise)			\$139,000
Total			\$584,000

EQUITY AND SUSTAINABILITY

Not applicable, as this item is an administrative matter of City business.

OUTREACH

Prior to the approval of this subdivision, the development application was subject to public hearings with the Planning Commission and the City Council.

Neighborhood interest in the subdivision became pronounced when funding from the subdivider for a public trail within the open space parcel was accepted by the City Council on March 3, 2020. The City Council subsequently allocated the funding to CIP No. 22797, a City project to construct the trail. The trail was contemplated as part of the City's Trails Master Plan update in 2017. On May 17, 2022, the trail construction contract was reconsidered by the City Council after receiving input from residents within the surrounding neighborhoods. The City

Council elected to terminate the trail project and, with consent from the subdivider, redirected the funding to another City trail project.

STRATEGIC PLAN ALIGNMENT

Not applicable, as this item is an administrative matter of City business.

FISCAL IMPACT

The ongoing cost of maintenance for installed public infrastructure is partially offset by one-time fees paid to the City upon permit issuance, as well as revenue from increased property tax assessments. Ongoing utility costs equate to approximately \$200 per year for streetlight electricity paid to PG&E from Account 00140201-431133.

Condition of Approval No. 5 of PUD-58 obligated the subdivider to provide funding for a trail to be constructed in the City-owned open space. The City received payment in the amount of \$57,379. When the City Council terminated the trail project, these funds were transferred to the Callippe Trail Preserve Project, CIP No. 24767, as recommended by the Bicycle, Pedestrian, and Trails Committee.

Condition of Approval No. 12d of PUD-58 obligated the subdivider to either apply a slurry seal pavement treatment to Old Foothill Road or contribute funding in an equivalent amount to the City's Capital Improvement Program. The subdivider elected to submit a payment of \$20,230 in lieu of constructing the improvement; these funds have been placed in the revenue account for the Annual Slurry Seal Project, CIP No. 22504, for unrestricted use by the City.

Prepared by:



Michael Stella, Senior Civil Engineer

Submitted by:



Norm Dorais, Director of Public Works

Approved by:

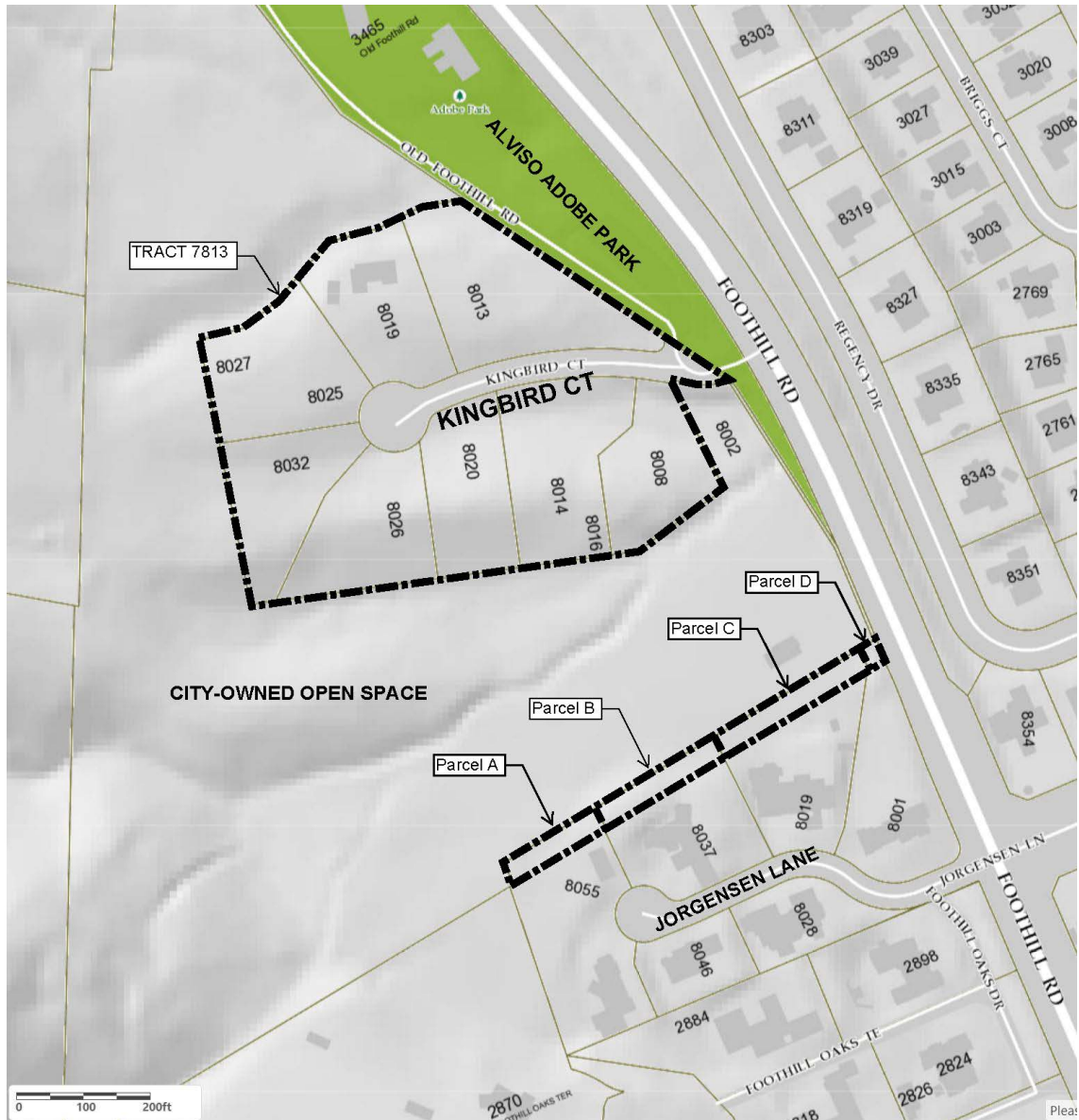


Gerry Beaudin, City Manager

Attachments:

1. Vicinity Map

VICINITY MAP TRACT 7813



CITY COUNCIL AGENDA REPORT

December 19, 2023
Public Works - Engineering Division

TITLE: ACCEPT SUBDIVISION IMPROVEMENTS CONSTRUCTED BY PONDEROSA HOMES II, INC., ASSOCIATED WITH TRACT 8259 AT 6900 VALLEY TRAILS DRIVE, AND AUTHORIZE RELEASE OF FINANCIAL SECURITIES

SUMMARY

City Council Resolution No. 17-932, adopted on May 2, 2017, approved Vesting Tentative Tract Map 8259, a subdivision of an approximate nine-acre parcel located at 6900 Valley Trails Drive. The subdivision created 36 single-family home lots, one private community center lot, two private open space parcels, and one parcel deeded to the City for a public restroom that adjoins Valley Trails Park. City Ordinance No. 2162 and PUD-13 were subsequently adopted on May 16, 2017, which rezoned the property and approved a development plan. A Subdivision Agreement associated with Tract 8259 between the City and subdivider, Ponderosa Homes II, Inc., governed the construction of subdivision improvements as guaranteed by financial securities held by the City in conformance with California law.

Tract 8259 created Arches Way, Chesapeake Bay Court, and Salt River Bay Court (all public streets) and dedicated public service easements to the City across the street frontages and stormwater treatment facilities. A Stormwater Treatment Measures Inspection and Maintenance Agreement obligated the subdivider to operate the stormwater treatment facilities in perpetuity. The subdivider subsequently transferred these obligations to the Sycamore Homeowners Association.

Now that the construction of the required subdivision improvements is complete, the subdivider has requested formal acceptance of the improvements governed by the Subdivision Agreement and the release of held financial securities.

RECOMMENDATION

1. Accept the subdivision improvements constructed as part of Tract 8259, 90 calendar days after this action pursuant to California Government Code §66499.7.
2. Authorize the release of the Performance Bond and Labor and Materials Bond held as financial security each in the amount of \$3,608,000 (Bond No. 929643345 by Continental Insurance Company), 90 calendar days after this action assuming no liens are filed.
3. Authorize the release of the Maintenance Bond in the amount of \$360,800 (Bond No. 929643345(M) by Continental Insurance Company) held in conformance with Section 10 "Defects" of the Subdivision Agreement, two calendar years after this action assuming no latent defects are discovered.

BACKGROUND

On May 2, 2017, the City Council adopted Resolution Nos. 17-930, -931, -932, -933, and -934 certifying a Negative Declaration under CEQA, amending the General Plan land use designation, approving Vesting Tentative Tract Map 8259 subject to Conditions of Approval, approving an Affordable Housing Agreement, and approving a Growth Management Agreement.

On May 16, 2017, the City Council adopted Ordinance No. 2162, a Planned Unit Development (PUD-113) by Ponderosa Homes II, Inc., to construct subdivision improvements associated with Tract 8259.

On June 6, 2017, the City Council adopted Ordinance No. 2163 authorizing a Development Agreement between the City and Ponderosa Homes II, Inc. (Document No. 2018-007097) that memorialized the earlier City Council resolutions, mandated funding for a public restroom within Valley Trails Park, extended the duration of the City approval, and memorialized fees to be imposed on the development.

On April 17, 2018, the City Council approved the final map, improvement plans, and a Subdivision Agreement for Tract 8259 (Book 353 of Maps at Pages 59-64) with Ponderosa Homes II, Inc. The agreement was executed on the same day.

On December 19, 2018, the subdivider recorded a Declaration of Covenants, Conditions, and Restrictions of Sycamore that created a homeowner's association (Document No. 2018-239647).

On June 22, 2020, Ponderosa Homes II, Inc., entered into a Stormwater Treatment Measures Inspection and Maintenance Agreement (Document No. 2021-321070) that memorialized the subdivider's obligations with respect to stormwater management.

On August 4, 2020, the City Council authorized a First Amendment to Subdivision Improvement Agreement that reimbursed the subdivider for additional costs associated with a water main replacement on Valley Trails Drive. The reimbursement allowed street resurfacing and sidewalk/curb ramp upgrades on Valley Trails Drive within the vicinity of the water main replacement. The additional cost of \$293,595 was allocated from the Streets CIP General Fund account.

On July 1, 2021, a Second Amendment to the Subdivision Improvement Agreement was executed that extended the duration of the original agreement by four additional years.

On January 24, 2023, a Third Amendment to Subdivision Improvement Agreement was executed that extended the duration of Section 10 "Defects" of the original agreement due to discovered failures in the roadway including cracks and subsidence. The Third Amendment also required the subdivider to reimburse the City for costs associated with evaluating the roadway cracks and subsidence. As a result of this discovery, the subdivider voluntarily repaved the public roads within the subdivision at no cost to the City. Although the Third Amendment required the Defects provision to be extended from one year to three years, staff is now recommending the provision be extended for two years because the roads were repaved.

DISCUSSION

Tract 8259 constructed Arches Way, Chesapeake Bay Court, and Salt River Bay Court, all public roads that extend east from Valley Trails Drive. The roads include City-operated public utilities (water, sanitary sewer, and storm drainage) as well as sidewalks and streetlights. The subdivider also constructed a public restroom that adjoins Valley Trails Park.

The Sycamore Homeowners Association will maintain the stormwater treatment facilities, as well as the landscaping that surrounds the north, west, and south sides of the public restroom. The east side of the restroom adjoins Valley Trails Park and will be maintained by the City as part of the park improvements.

Acceptance of the constructed public improvements will add to the City's inventory of infrastructure requiring long-term maintenance. Specifically, the following public improvements were added:

Description	Quantity	Unit	Value (nearest thousand)
Roadway pavement	44,094	Square feet	\$221,000
Street signs & markings	1	Lump sum	\$5,000
Curb & gutter	2,810	Lineal feet	\$86,000
Sidewalk	13,290	Square feet	\$67,000
Driveways	37	Each	\$79,000
Curb ramps	4	Each	\$8,000
Storm drain pipe	2,190	Lineal feet	\$157,000
Storm drain manholes	11	Each	\$65,000
Storm drain inlets	15	Each	\$45,000
Street lights	14	Each	\$53,000
Subtotal (General)			\$786,000
Sewer manholes	10	Each	\$50,000
Sewer pipe	1,182	Lineal feet	\$59,000
Water pipe	1,195	Lineal feet	\$90,000
Fire hydrants	3	Each	\$20,000
Air release valves	2	Each	\$3,000
Water meters	38	Each	\$76,000
Subtotal (Enterprise)			\$298,000
Total			\$1,084,000

EQUITY AND SUSTAINABILITY

Not applicable, as this item is an administrative matter of City business.

OUTREACH

Prior to the approval of this subdivision, the development application was subject to public hearings with the Planning Commission and the City Council.

STRATEGIC PLAN ALIGNMENT

Not applicable, as this item is an administrative matter of City business.

FISCAL IMPACT

The ongoing cost of maintenance for installed public infrastructure is partially offset by one-time fees paid to the City upon permit issuance, as well as revenue from increased property tax assessments. On-going utility costs equate to approximately \$560 per year for street light electricity paid to PG&E from Account 00140201-431133.

An additional \$177,800 was deposited for the construction of a tot lot and landscape improvements for Valley Trails Park, CIP No. 18756, which was completed and accepted by the City Council on December 7, 2021. Provision 4.2 of the Development Agreement required the subdivider to deposit \$70,000 into an account. These funds were received and are to be used by the City to fund the operation and maintenance of a newly constructed public restroom within Valley Trails Park.

Prepared by:



Michael Stella, Senior Civil Engineer

Submitted by:



Norm Dorais, Director of Public Works

Approved by:

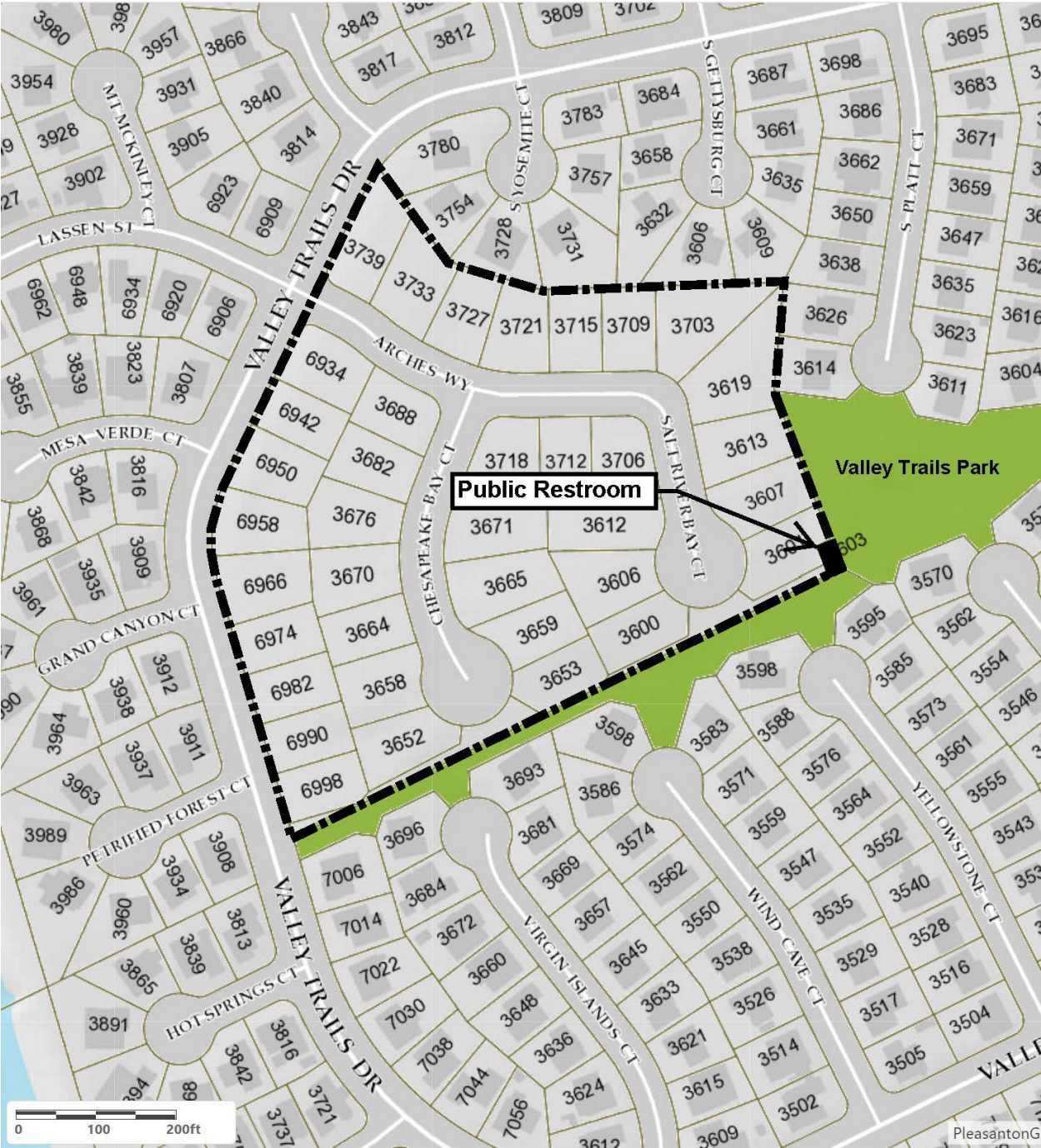


Gerry Beaudin, City Manager

Attachments:

1. Vicinity Map

VICINITY MAP – TRACT 8259



CITY COUNCIL AGENDA REPORT

December 19, 2023
Public Works - Engineering Division

TITLE: AUTHORIZE CONTRACT CHANGE ORDER NO. 1 IN THE NOT-TO-EXCEED AMOUNT OF \$100,000 TO THE EXISTING CONTRACT WITH GOLDEN STATE CONSTRUCTION & UTILITY, INC., FOR THE ANNUAL SEWER COLLECTION SYSTEM IMPROVEMENTS PROJECT, CIP NO. 24278

SUMMARY

On October 3, 2023, the City Council awarded a contract to Golden State Construction and Utility, Inc., for the not-to-exceed amount of \$544,000 and authorized the Director of Public Works to execute change orders up to \$82,000 for the Annual Sewer Collection System Improvements Project, CIP No. 24278. The project is currently under construction and addresses several sewer lines and structures needing replacement or rehabilitation. Specific to one project area, when the sewer line near the basketball court in Meadowlark Park was potholed, elevations of the existing sewer line were different than anticipated, requiring the work to be redesigned with a new alignment to provide adequate slope for the pipe while avoiding impacting the basketball court. The new alignment requires an additional 220 feet of piping, an additional manhole, 400 square feet of concrete and asphalt restoration, and the removal and replacement of six trees. The contract change order for the not-to-exceed amount of \$100,000 covers the additional costs to install the sewer line, correcting a segment of sewer line under the basketball court that has settled, which caused the line to back up and require monthly cleaning. The final payment amount for the work included in Change Order No. 1 will be determined by the actual field-measured quantities.

RECOMMENDATION

1. Authorize Contract Change Order No. 1 in the not-to-exceed amount of \$100,000 to the existing contract with Golden State Construction & Utility, Inc., as part of the Annual Sewer Collection System Improvements, CIP No. 24278.
2. Authorize the Director of Public Works to approve a project contingency and execute contract change order(s) for \$182,000, an increase of \$100,000 from the original contingency of \$82,000 for unforeseen yet necessary related work.

BACKGROUND

This project is part of the annual maintenance program, which includes replacement or rehabilitation of sewer pipelines and structures. Sewer replacement and rehabilitation projects are selected from a list of problem areas or potential problem areas identified and maintained by the City.

Video surveillance of the existing eight-inch sewer main under Meadowlark Park reveals a substantial sag, impacting flow and causing consistent buildup along the length of the pipe. This line is currently hydro-jetted and cleared monthly.

The existing pipeline within W. Angela Street, from First Street to Main Street, has been temporarily repaired after being damaged by utility construction and has a diameter change near Main Street. This area has seen frequent backups and pipeline failures. Replacement of this line will result in a consistent diameter of pipe and pipe material, which will improve flows.

Three manholes at the intersection of California Avenue and Washington Street are currently subject to minor backups due to existing restrictions in the manhole inverts. These inverts will be reconstructed for better flows, reducing future maintenance needs.

The sewer main on Arendt Way was installed before 1970, and video surveillance of the pipeline shows a major sag in the line impacting flow. This sag is causing buildup along the length of the pipe, which requires regular maintenance. Due to the age of this pipeline, a complete replacement is warranted.

Continuing erosion of the banks of the Arroyo del la Laguna just south of Bernal Avenue has the potential to expose and damage the existing 18-inch sewer main in this area. To avoid potential significant sanitary sewer service interruption, this facility was placed in a new alignment away from the banks of the arroyo.

The current sanitary sewer collection around Rose Avenue flows west to east and then under the Alameda County Fairgrounds. These facilities were built out as tract construction progressed westward over separate developments. As the ultimate goal was for collection to no longer require the connection under Alameda County's property, developers were required to install a parallel system to flow in the opposite direction, exiting Rose Avenue west of Melinda Way. This project will put this system in service and abandon the previously used line.

On November 15, 2022, the City Council approved a contract for \$544,000 with Golden State Construction & Utility, Inc. (Golden State), a \$16,800 contract with Alta Archaeological Consulting, LLC, and authorized a project contingency of \$82,000 and the Director of Public Works to approve and execute change orders up to the contingent amount.

DISCUSSION

Golden State has relocated the 18-inch sewer line along the Arroyo del la Laguna just south of Bernal Avenue. To complete this work, additional piping was required to clear existing utility lines conflicting with the new manhole on W. Lagoon Road. Rose Avenue work is nearing completion, and flows have been redirected. West Angela Street pipe installation work has been completed and required additional work to upsize a lateral to address routine plugging due to an undersized pipe. Arendt Way work is under construction at the time of this report. Work at California Avenue is scheduled to begin in mid-December 2023.

Replacement of a portion of the eight-inch sewer main within Regency Drive and under Meadowlark Park initially required removing and replacing 176 feet of pipe and installing a new manhole to facilitate future maintenance access. Following potholing, it was determined that the sag occurred under the recently renovated basketball court in Meadowlark Park and requires relocating the connection point to the north of the basketball court with the pipe then placed in an alignment to the east side of the court to the existing manhole on Regency Drive. The realignment will require an additional 220 feet of piping, an additional manhole, replacement of 400 square feet of concrete and asphalt, and the removal and replacement of six trees. The estimated cost for this additional work is \$100,000.

Change Order No. 1

The not-to-exceed cost of \$100,000 for Change Order No. 1 for the additional work at Meadowlark Park was estimated by Golden State based on the plans provided by City staff. The costs compare favorably with the engineer's estimate of \$95,000. Staff recommends the City Council authorize Change Order No. 1 for a not-to-exceed amount of \$100,000 and increase the project contingency to the additional change order amount. The original project contingency will be available to address current change orders and any potential unforeseen conditions for the remaining work.

Schedule

Construction will begin in late October 2023 and be completed in February 2024.

EQUITY AND SUSTAINABILITY

Staff followed the City Procurement Policy for purchasing procedures as these types of repairs are routine matters of City business.

OUTREACH

Construction notices were sent to businesses and residents adjacent to the project locations.

STRATEGIC PLAN ALIGNMENT

Approval of this action advances the ONE Pleasanton strategic plan goal of *Investing in Our Environment*, Strategy 1 – Implement the four-year Capital Improvement Program (CIP) to complete the design and construction of budgeted capital projects.

FISCAL IMPACT

The anticipated total expenditure, including Change Order No. 1 for the project, is \$768,504, including the \$544,000 contract award, a \$182,000 contingency, \$16,800 for archaeological monitoring services, \$25,000 for material testing services, and \$704 for advertising. \$1.5 million is available for the Annual Sewer Collection System Improvements Project, CIP No. 24278. The funding and anticipated project expenditures are detailed in Attachment 2.

Prepared by:



Adam Nelkie, Assistant Dir. of
Public Works - Engineering

Submitted by:



Norm Dorais, Director of Public Works

Approved by:

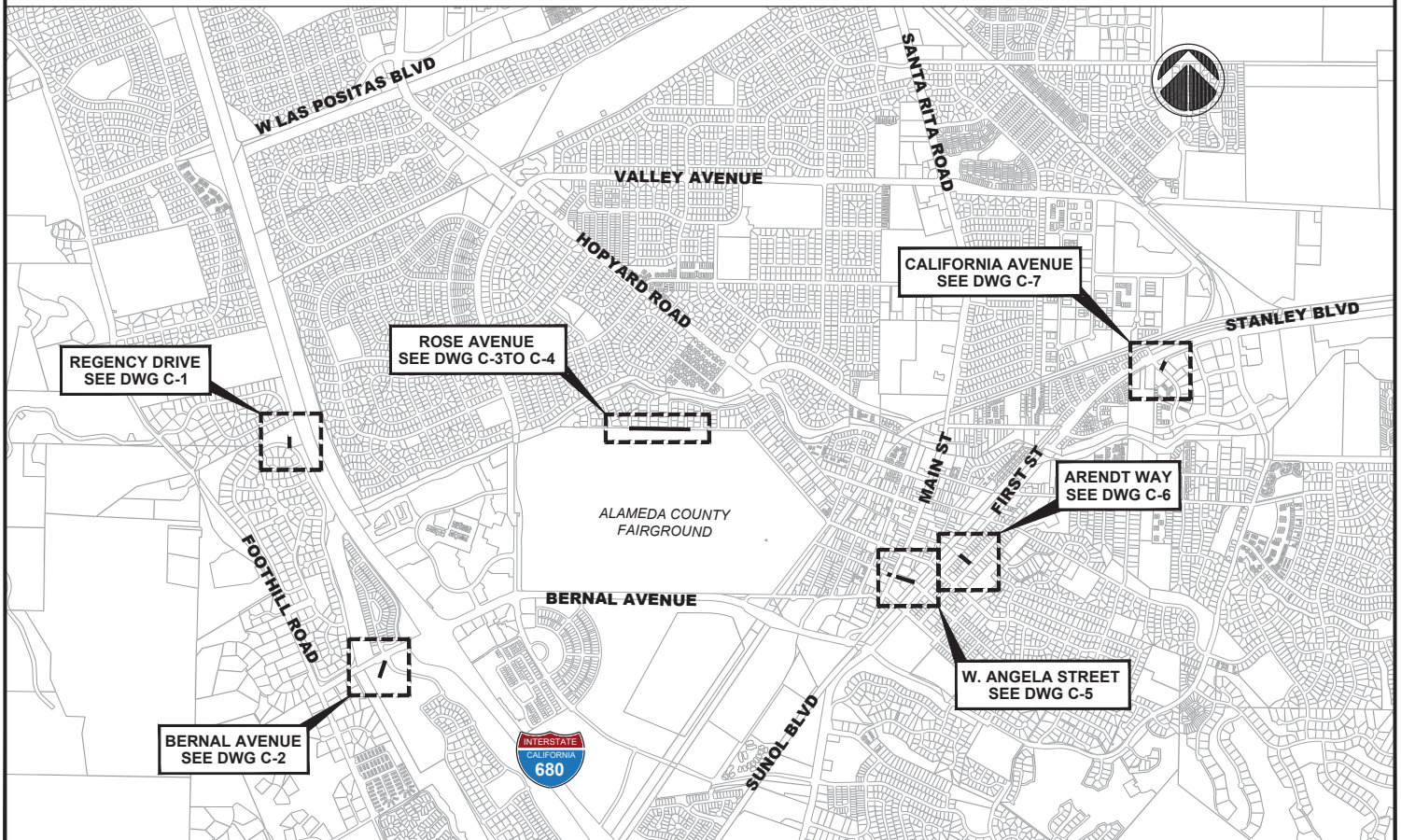


Gerry Beaudin, City
Manager

Attachments:

1. Project Locations
2. Funding and Estimated Expenditures Summary

CITY OF PLEASANTON
 PUBLIC WORKS DEPARTMENT, ENGINEERING DIVISION
 ANNUAL SEWER COLLECTION SYSTEM IMPROVEMENTS - CIP NO. 24278



LOCATION MAP

NOT TO SCALE

ANNUAL SEWER COLLECTION SYSTEM IMPROVEMENTS
CIP NO. 24278
10/03/23

<u>Project Funding to Date</u>	<u>Amount</u>	<u>Totals</u>
2023-24 CIP Allocation (Fund 431 - Sewer Replacement CIP)	\$1,500,000	
TOTAL PROJECT FUNDING TO DATE		\$1,500,000
<u>Project Expenditures</u>		
Advertising	\$704	
Golden State Construction & Utility, Inc. - Contract	544,000	
Project Contingency (approximately 15%)	82,000	
Archaeological Services (Alta Archaeological Consultants)	16,800	
Testing/Inspection Services (Geocon Consultants)	25,000	
<u>Anticipated Project Expenditures</u>		
Golden State Construction & Utility, Inc. - Change Order #1	\$100,000	
TOTAL PROJECT EXPENDITURES		\$768,504
<u>Funding Balance/ (Shortfall)</u>		
Current Balance		\$731,496

CITY COUNCIL AGENDA REPORT

December 19, 2023
Public Works - Operations Division

TITLE: CONTINUED FROM DECEMBER 5, 2023 - APPROVE FIRST AMENDMENTS TO THE AS-NEEDED MAINTENANCE AND TRADE SERVICES AGREEMENTS BY INCREASING THE TOTAL NOT-TO-EXCEED AMOUNTS TO \$1,200,000 FOR PIPE & PLANT SOLUTIONS INC. AND TO \$750,000 FOR PRESIDIO SYSTEMS, INC. FOR UTILITIES-SEWER/STORM FLUSHING AND CLOSED-CIRCUIT TELEVISION (CCTV) SERVICES

SUMMARY

The Public Works Department is responsible for the operations and maintenance of the City's sewer and storm systems, which require cleaning and inspection to ensure proper operation. A Request for Bids for CCTV cleaning and inspection services was distributed on August 4, 2021. Three contractors were selected to provide as-needed sewer or stormwater CCTV and inspection services for planned and emergency work and to assist other City departments on projects. Due to the storm events in late 2022 and 2023, the City relied heavily on these contractors to assist with storm cleanup. Additionally, Pipe & Plant Solutions, Inc. has been helping to assess the City's sewer infrastructure in preparation for the updated 2024 Sewer System Management Plan and long-term CIP project projections. Staff is requesting amendments to the as-needed agreements with Pipe & Plant Solutions, Inc. and Presidio Systems, Inc. to provide supplemental flushing and project-specific Closed-Circuit Television (CCTV) services for the sewer and storm lines.

RECOMMENDATION

1. Approve and authorize the City Manager to execute an amendment to the as-needed maintenance and trade services agreement with Pipe & Plant Solutions, Inc. to increase the not-to-exceed amount by \$700,000 for sewer CCTV service to revise the total not-to-exceed agreement limit from \$500,000 to \$1,200,000 for FY 2023/24.
2. Approve and authorize the City Manager to execute the amendment to the as-needed maintenance and trade services agreement with Presidio Systems, Inc. to increase the not-to-exceed amount by \$250,000 for sewer and storm cleaning services to revise the total not-to-exceed agreement limit from \$500,000 to \$750,000 for FY 2023/24.

BACKGROUND

The Public Works Department is responsible for the operations and maintenance of the City's sewer and storm systems, which include 245 miles of sewer pipe, 6,032 sewer maintenance holes, 195 miles of storm pipe, 4,222 storm maintenance holes, and 8,226 storm inlets that require cleaning and inspection to ensure proper operation. All pipeline inspected is to be rated per the National Steel and Shipbuilding Company (NASSCO) Pipeline Assessment Certification Program (PACP). All maintenance holes inspected are to be rated per the NASSCO Manhole Assessment Certification Program (MACP), which is the industry standard

that is used to identify cracks, laterals, corrosion, offset/sags, and roots. These inspections allow City staff to understand what is needed to maintain the pipelines and plan for future Capital Improvement Program (CIP) projects.

Contracting certain services allows for prioritizing operations and maintenance tasks based on available staff, project work, regulation requirements, and customer needs. Contracting Closed Circuit Television (CCTV) and inspection services for planned and emergency work allows greater flexibility to meet operations, maintenance, and project needs. The as-needed service agreements would support unscheduled work such as engineering projects, storm events, and large-scale sanitary sewer overflows.

DISCUSSION

A Request for Bids for CCTV cleaning and inspection services was distributed on August 4, 2021. Three contractors were selected to provide as-needed sewer or stormwater CCTV and inspection services for planned and emergency work and to assist other City departments on projects. Due to the storm events in late 2022 and 2023, the City relied heavily on these contractors to assist with storm cleanup.

These contractors clean and inspect large-diameter pipes, which is currently beyond the capability of staff. Increasing these contracts will allow the City to remain compliant and achieve its stated goals in our current Sewer System Master Plan (SSMP). The goal is to clean the sewer system every five years, which is approximately 268,646 linear feet a year. The goal for CCTV inspection is every seven years or 191,890 linear feet per year. Additionally, Pipe & Plant Solutions, Inc. has been helping to assess the City's sewer infrastructure in preparation for the updated 2024 Sewer System Management Plan and long-term CIP project projections.

Both Pipe and Plant Solutions, Inc. and Presidio Systems, Inc. have performed past projects to the satisfaction of the City. Staff recommends increasing the as-needed contract for Pipe and Plant by \$700,000 for CCTV services to assist with reaching the 2024 SSMP goal, and increasing the as-needed contract amount for Presidio Pipeline, Inc. by \$250,000 for storm and sewer cleaning services.

EQUITY AND SUSTAINABILITY

Following the City Procurement Policy, staff conducted a public bidding process on which the agreements for the described products and services are based.

OUTREACH

No outreach was conducted, as this item is a routine matter of City business.

STRATEGIC PLAN ALIGNMENT

Approval of this action advances the ONE Pleasanton strategic plan goal of *Investing in Our Environment*, Strategy 8 – Update the Sewer System Master Plan to reflect current and future operations and identify system improvements and necessary maintenance, in providing more flexibility for the upcoming wet season and helping to achieve the sewer cleaning goals of the SSMP.

FISCAL IMPACT

The contracted services are primarily funded within the Internal Service Fund for Repair and

Replacement associated with the Sewer Fund (434) 43442201-440105, which is budgeted at \$1,250,000 for FY 2023/24, and the Annual Storm Repair and Replacement Fund (441) CIP 24415 that has an annual allocation of \$125,000 and a current balance of \$431,000.

Prepared by:



Daniel McVey

Submitted by:



Norm Dorais, Director of Public Works

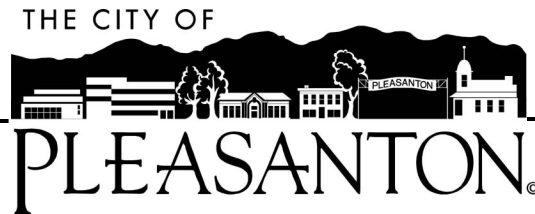
Approved by:



Gerry Beaudin, City Manager

Attachments:

1. Continuance Memo
2. Pipe and Plant Solutions Inc. First Amendment to Agreement
3. Presidio Systems, Inc. First Amendment to Agreement



MEMORANDUM

Date: December 19, 2023

To: Mayor and City Council

From: Gerry Beaudin, City Manager
Norm Dorais, Interim Director of Public Works
Daniel McVey, Interim Utilities Division Manager

Subject: Continued from December 5, 2023, City Council Meeting- Approve the First Amendments to the as-needed maintenance and trade services agreements by increasing the total not-to-exceed amounts to \$1,200,000 for Pipe & Plant Solutions Inc. and \$750,000 for Presidio Systems, Inc. for Utilities-Sewer/Storm flushing and Closed-Circuit Television (CCTV) services

The December 5, 2023, City Council meeting agenda included Item #10 for the City Council to consider approving the first amendments to the as-needed maintenance and trade services agreements for Pipe & Plant Solutions, Inc. and Presidio Systems, Inc. to provide supplemental flushing and project-specific Closed-Circuit Television (CCTV) services for the sewer and storm lines for the City. The agenda report included a staff recommendation to increase the total not-to-exceed amounts to \$1,200,000 for Pipe and Plant Solutions Inc. and \$750,000 for Presidio Systems, Inc. After discussion, the City Council continued the item to its December 19, 2023, meeting, requesting additional information be provided.

Pipe & Plant Solutions, Inc.

The as-needed maintenance and trade services agreement amendment with Pipe & Plant Solutions, Inc., to increase the not-to-exceed amount by \$700,000 for sewer CCTV service is a proactive effort by the City to evaluate and maintain the sewer system. With one task in the development of a Sewer System Management Plan to identify deficiencies with the sewer system, the City's on-call agreement with Pipe & Plant was utilized to CCTV additional parts of the sewer system to aid the overall evaluation. To replace the funds used by Pipe & Plant to perform this additional CCTV work, the City is looking to add funding to the current on-call contract with Pipe & Plant as this is the most time- and cost-efficient approach. Therefore, it is recommended that the on-call service contract with Pipe & Plant be increased with available funds from the Internal Sewer Service Fund (434) for Repair and Replacement.

Presidio Systems, Inc.

The contract with Presidio Systems, Inc., to increase the not-to-exceed amount by \$250,000 for sewer and storm cleaning services will increase the total not-to-exceed amount from \$500,000 to \$750,000 for Fiscal Year 2023/24. After using Presidio Systems to provide early-2023 storm cleanup and damage assessment to address impacts most expeditiously, the account funds were depleted such that there was insufficient funding to provide the cleaning and inspection services those funds were originally intended. The assistance provided by Presidio during storm response activities was a critical part of the overall ability of the City to address the numerous localized flooding hazards created by the storms. To re-establish the funds for Presidio to perform the original on-call work and for the City to have the ability to quickly respond during the upcoming wet winter season, staff is recommending additional funds be allocated to the current on-call contract with Presidio. Therefore, it is recommended that the on-call service contract with Presidio be increased with available funds from the Annual Storm Repair and Replacement Fund (441).

FIRST AMENDMENT TO AGREEMENT

This First Amendment to Agreement ("First Amendment") is entered into this _____ day of November 2023, by the **City of Pleasanton ("City")** and **Pipe and Plant Solutions Inc. ("Contractor")**.

Whereas, on September 27, 2021, the City and Contractor entered into an As-Needed Maintenance and Trade Services Agreement to provide Sewer and Storm flushing & CCTV services per R.F.B. Project No. OSD 2021-603 ("Agreement"); and

Whereas, the parties desire to amend the Agreement to increase the cumulative not to exceed amount to \$1,200,000 through June 30, 2024.

Now, therefore, in exchange for valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. Section 3 of the Agreement ("Compensation") shall be increased for total compensation shall not exceed \$1,200,000 through June 30,2024.
2. This First Amendment may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement. Counterparts may be delivered via facsimile, electronic mail (including pdf or any electronic signature complying with U.S. federal E-Sign Act of 2000 (15 U.S. Code §7001 et seq.), California Uniform Electronic Transactions Act (Cal. Civil Code §1633.1 et seq.), or other applicable law) or other transmission method, and any counterpart so delivered shall be deemed to have been duly and validly delivered and be valid and effective for all purposes.
3. All other terms and conditions of the Agreement shall remain in full force and effect.

In witness whereof, authorized representatives of the parties have executed this First Amendment to the Agreement as of the date and year first above written.

CITY OF PLEASANTON

CONTRACTOR – Pipe & Plant Solutions

Gerry Beaudin, City Manager

By:

Signature

Print name

ATTEST:

Title: _____

Jocelyn Kwong, City Clerk

[If Contractor is a corporation, signatures must comply with California Corporations Code §313]

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

By: _____
Signature

Print name

Title: _____

FIRST AMENDMENT TO AGREEMENT

This First Amendment to Agreement ("First Amendment") is entered into this ____ day of November 2023, by the **City of Pleasanton ("City")** and **Presidio Systems, Inc. ("Contractor")**.

Whereas, on January 31, 2022, the City and Contractor entered into an As-Needed Maintenance and Trade Services Agreement to provide Sewer and Storm flushing and CCTV services per R.F.B. Project No. OSD 2021-603 ("Agreement"); and

Whereas, the parties desire to amend the Agreement to increase the cumulative not-to-exceed amount to \$750,000 through June 30, 2024.

Now, therefore, in exchange for valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. Section 3 of the Agreement ("Compensation") shall be increased for total compensation shall not exceed \$750,000 through June 30, 2024.
2. This First Amendment may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement. Counterparts may be delivered via facsimile, electronic mail (including pdf or any electronic signature complying with U.S. federal E-Sign Act of 2000 (15 U.S. Code §7001 et seq.), California Uniform Electronic Transactions Act (Cal. Civil Code §1633.1 et seq.), or other applicable law) or other transmission method, and any counterpart so delivered shall be deemed to have been duly and validly delivered and be valid and effective for all purposes.
3. All other terms and conditions of the Agreement shall remain in full force and effect.

In witness whereof, authorized representatives of the parties have executed this First Amendment to the Agreement as of the date and year first above written.

CITY OF PLEASANTON

CONTRACTOR – Presidio Systems, Inc.

Gerry Beaudin, City Manager

By: _____

Signature

Print name

ATTEST:

Title: _____

Jocelyn Kwong, City Clerk

[If Contractor is a corporation, signatures must comply with California Corporations Code §313]

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

By: _____
Signature

Print name

Title: _____

CITY COUNCIL AGENDA REPORT

December 19, 2023
Public Works - Operations Division

TITLE: CONTINUED FROM DECEMBER 5, 2023 - RECEIVE AN UPDATE ON THE DEVELOPMENT OF A WATER SYSTEM MANAGEMENT PLAN

SUMMARY

To ensure the effective management of its water system, the City is preparing a Water System Management Plan (WSMP). Development of this plan includes a comprehensive review of the various elements of the water enterprise, including administration, planning, operations and maintenance, capital improvements, resources, and financing. The initial WSMP deliverable includes a program assessment against industry benchmarks that helped to identify higher priority areas of focus, and an appraisal level determination of capital improvement needs for the water system equipment and facilities. An initial draft water enterprise 10-year Capital Improvement Plan (CIP) is included in the development of this plan and has been formulated to guide and plan for investment and replacement needs to ensure a high-performing and sustainable water delivery system for the City.

RECOMMENDATION

Receive an update on the development of a Water System Management Plan.

BACKGROUND

The City distributes approximately 14,000 acre-feet of safe, reliable drinking water per year to over 22,000 customers. The City has two sources of water supply: treated surface water and groundwater purchased from Zone 7 Water Agency (Zone 7), and groundwater from City-owned and operated wells with a total pumping allotment of 3,500 acre-feet per year. The City's distribution system consists of 20 storage tanks, 14 pump stations, and over 300 miles of mostly underground piping. The annual operating budget for the water system program is approximately \$29 million (CIP expenditures not included). The City's water system program requires management of various elements, including administration, planning, operations and maintenance, capital improvements, resources, and financing.

In April 2022, Council approved an agreement with Carollo Engineers to prepare the Water System Management Plan. Evaluation of the water enterprise business practices and capital planning is required to avoid major disruptions and maintain expected service levels. Based on this, the City has initiated a Water System Management Plan (WSMP) that is envisioned to be a comprehensive compilation of the standards and practices to be applied within a high-performing water enterprise. The WSMP is to be a dynamic document, reviewed every three years to evaluate its effectiveness and comprehensively updated every six years to ensure that activities and projects are being implemented in a timely fashion.

DISCUSSION

Initial development of the WSMP is occurring in three phases; this report covers work completed to date, including Phase 1 and the CIP part of Phase 2.

Phase 1 – High-Level Assessment of City’s Water System Program: This phase includes utilizing the Effective Utility Management guidance document to evaluate the City’s existing water system program practices and make recommendations for improvements.

Phase 2 – Develop Work Plan: The portion of this phase completed to date includes a work plan to identify and prioritize capital improvement needs. This analysis forms the basis of the water enterprise 10-year CIP. The other portion of this phase deals with internal work planning and scheduling that spans a minimum of six years so that it covers the time period of the initial WSMP through the first comprehensive WSMP update.

Phase 3 – Document the WSMP: The City will develop the initial WSMP in accordance with the work planning from Phase 2. The WSMP will be organized by program elements identified below. Tasks to be included in the final WSMP include, but are not limited to:

- Water enterprise goals, key performance indicators, and policies to guide the management of the water system
- Review/summarize existing planning efforts (e.g., urban water management plans, risk and resiliency assessments, water distribution capacity evaluations, etc.), identify planning gaps, and perform high-priority planning tasks (e.g., establish a 10-year CIP, perform a regulatory review, etc.)
- Review/summarize existing operation and maintenance practices, identify deficiencies, and perform high-priority tasks (e.g., establish a standard operating procedure program and competency-based training program)
- Recommend a prioritized list of actions, programs, and CIP projects to be implemented to improve the management of the water system.

Phase 1 involved a benchmarking exercise comparing the City’s water utility management and operations to that of an effective water utility as determined by standards established by the American Water Works Association (AWWA) and adopted by the US Environmental Protection Agency. The assessment looked at ten attributes, and of these, the City staff ranked its most important but lowest achieving areas to be financial viability and infrastructure strategy and performance.

This led to completing a portion of Phase 2 as follows: the development of the rate study, which the City Council recently concluded by adopting a 2-year rate increase implementation starting January 1, 2024, followed by the development of a water enterprise 10-year CIP. This water enterprise CIP development is the focus of this report.

Condition Assessments

Teams of engineers, operators, and technicians performed multiple days of on-the-ground, appraisal-level equipment and facility assessments of the City’s water assets. These activities were conducted to establish baseline conditions and identify capital needs. Needs were categorized within the areas of water supply, distribution capacity, above-ground facilities, below-ground pipelines, and SCADA/Power. Each category is populated with projects, which then get prioritized considering the risk score and the discretionary versus non-discretionary nature of the projects.

Project Categorization

The WSMP is being developed with a list of anticipated projects within the following categories.

1. **Water Supply** – Water Supply requirements generally fall within two categories, volumetric/available daily rates, and water quality. This includes the City's recent action to proceed with developing an alternative water supply to replace the City's PFAS contaminated sources (i.e., two new wells).
2. **Distribution** – Distribution system projects include system upgrades needed to improve performance to meet current City standards based on the City's updated distribution hydraulic model. These projects mainly include pipeline replacement to address fire flow and other system deficiencies.
3. **Rehabilitation and Replacement (R&R)** – Based on physical assessment of the water system facilities condition, R&R projects fall into two categories, above ground facilities such as pump station and water storage tanks and below ground which are primarily pipelines renewal and replacement. There can be overlap between distribution improvements pipeline R&R; for the purpose of this analysis, priority is given to distribution pipeline needs.
4. **Supervisory Control and Data Acquisition (SCADA)** – The operations and management of supply and distribution on an hourly basis is controlled and monitored via the City's SCADA system and the power supply to pumps and other equipment is managed within city-owned facilities. Improvement recommendations were developed based on a comprehensive study and involved input from City's water O&M staff.

Project Prioritization

The Priority System ranks the level of importance of a project based on several factors, such as protection of health and safety and rate of return on the City's investment. Risk of failure was assigned to each asset to help understand the criticality of the asset function to the overall system viability. A risk score was calculated based on the probability and consequences of failure scores, and the asset condition scoring is based on a 1-5 scale. Asset condition scores were developed for mechanical, electrical, and structural categories. Each facility was scored by asset type and assigned a reinvestment year. Consequences of failure score was developed based on a matrix of factors. Distribution pipelines were also evaluated based on the type of material, pipe age, criticality, and using available data and staff knowledge to the extent available.

Recognizing that there are limitations in available funds and to ensure generational equity (where future generations have a legitimate expectation of equitable access to water resources) among paying customers, an additional layer of prioritizing was required to achieve more levelized annual capital spending. Only priority level A and B projects are included as funded amounts and are to be addressed within the City's regular rate study process. To accomplish this task, CIP project prioritization was based on three categories that give some flexibility in the implementation timing of funded capital needs so as not to overburden ratepayers in any single or series of years when feasible:

Priority Level A: These projects are ranked the highest if they are required for health and safety; required by law, regulation, or contract; are under construction; and/or are funded by applicants or outside funding sources. Examples of these types of projects include two new wells (as the approved water supply alternative project) and projects that increase water

capacity within the distribution system.

Priority Level B: These projects provide measurable progress toward achieving the City's goals, but the City has a moderate level of control as to when these projects should be accomplished. Examples of these types of projects include end-of-useful life, age-related failures, and maintenance history-type replacements. Examples of these types of projects include the pump station and turnout improvements, and water tank modification projects.

Priority Level C: Projects not meeting the criteria for priority level A or B are ranked as priority level C. These are projects that are anticipated to be needed, but may not yet have defined scopes, schedules, or funding sources. Examples of these types of projects include system improvements and communications improvements.

Initial 10-year CIP Results

Tables 1 and 2 below provide a snapshot of the anticipated, unprioritized CIP costs for the first 10 years of the WSMP starting in FY 2023/24. These costs are preliminary and are subject to adjustment based on financial considerations. This should be considered a first look at water enterprise capital needs and will necessarily change as the evaluation continues through the following steps:

- Determining who pays - new vs existing customers and evaluation of the City's water system connection fees and charges
- Reviewing maintenance history and interviewing staff regarding the higher-ranking projects to fine-tune the project timing to ensure City staff experience is integrated into the final results
- Iterating with the rate model and financial plan to achieve a levelized or regular increasing spending plan affordable for ratepayers but also sufficient to support a high-performing, reliable water system operation over the long term
- Have a final CIP ready to go for the next 2-year rate study with rate adjustments and projects starting in January 2026 and ready for incorporation in the FY 2026/27 budgeting process.

[report continues on following page]

Table 1 – Preliminary/Draft CIP Cost Ranges based on Project Classification

Project Categories	Prioritization Needs	10-Year Project Costs Million \$
Water Supply	Supply Reliability	\$20 - \$30
Distribution	Adequate Pressure and Supply to Customers	\$55 - \$65
Rehabilitation and Replacement (Above Ground)	Asset Failure Risk	\$45 - \$65
Rehabilitation and Replacement (Pipelines)*	Asset Failure Risk	\$0 – \$20
SCADA and Power	System Control, Reporting, Service Reliability	\$15 - \$25

**Initial pipeline replacements are in the distribution project category. Future year spending on pipelines will be greater than shown here.*

Table 2 – Preliminary Cost Ranges based on Project Priority

Project Priority	10-Year Project Costs Million \$
Priority A	\$80 - \$120
Priority B	\$50 - \$75
Priority C	\$5 - \$10

Notes: All costs shown are in 2023 dollars and are planning-level estimates. Costs exclude operations and maintenance.

Next Steps

Staff will provide periodic updates to the City Council on the remaining development of the WSMP until its completion, which is estimated to be around April 2024.

EQUITY AND SUSTAINABILITY

Approval of a WSMP, when appropriate, advances the City's Climate Action Plan 2.0 (CAP) - Water Resources - Reduce GHG emissions from water usage (including conveyance) and prepare community water resources for a changing climate which will result in cost savings, enhance water quality and availability, improve infrastructure, and increase resiliency.

OUTREACH

As the development of the WSMP continues to progress, updates will be provided during scheduled City Council meetings so that the public will be fully informed and able to participate and provide input.

STRATEGIC PLAN ALIGNMENT

Approval of this action advances the ONE Pleasanton strategic plan goal of *Investing in our Environment*, specifically Strategy 4 – Complete the Water System Master Plan to reflect current and future operations and identify system improvements and necessary maintenance, and Strategy 6 - Continue to implement priority items from the Climate Action Plan 2.0 (CAP) to lead by example in environmental sustainability.

FISCAL IMPACT

There is no fiscal impact associated with this update. The City Council previously approved funding for this project, and the project is on schedule.

Prepared by:



Tamara Baptista, Assistant Dir. of
Public Works - Operations &
Maintenance

Submitted by:



Norm Dorais, Director of Public
Works

Approved by:



Gerry Beaudin, City
Manager

Attachments:

None

December 19, 2023
Finance

TITLE: ADOPT A RESOLUTION TO ACCEPT THE FISCAL YEAR 2022/23 YEAR-END FINANCIAL REPORT FOR THE CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET

SUMMARY

This year-end report presents the unaudited results of the Fiscal Year 2022/23 Capital Improvement Program (CIP). The audited information will be reflected in the City's Annual Comprehensive Financial Report (ACFR) and will be presented to the City Council after the City's independent auditor has issued its opinion on the ACFR and the Audit Committee has reviewed it, which is expected to occur in January/February 2024. If there are any differences in the financial information presented in this report and the ACFR due to the audit, those changes will be highlighted for the City Council at that time.

RECOMMENDATION

Adopt a resolution to accept the Fiscal Year 2022/23 year-end Financial Report for the Capital Improvement Program (CIP) Budget and approve the carryforward funding amount as included in the report.

BACKGROUND

Annually, staff presents the year-end financial report for the Capital Improvement Program to the City Council for approval. The report summarizes the actual results of the financial activities for the CIP Budget and recognizes budget carryovers to the following year. The City's Annual Comprehensive Financial Report is still in progress; therefore, the financial information included in this report is unaudited. The audited information will be reflected in the ACFR and will be presented to the City Council once the City's independent auditor has issued its opinion on the ACFR and the Audit Committee has reviewed it; this is expected to occur in January/February 2024. If there are any differences in the financial information presented in this report and the ACFR as a result of the audit, those changes will be highlighted for the City Council at that time.

DISCUSSION

This report presents the status of the CIP Budget as of June 30, 2023. It provides a summary of the actual expenditures, the amended budget which is the original budget plus any amendments approved by the City Council through June 30, 2023, and the recommended carryforward amount from FY 2022/23 to FY 2023/24 for each project. Projects can be funded with more than one funding source and expenditures can be cyclical or multiyear in nature, which is reflected in the carryforward.

It should be noted that during the development of the FY 2023/24 and FY 2024/25 Capital Budget, staff performed a more comprehensive analysis of each capital fund's condition, in terms of budgeted versus actual revenues collected, to reassess and adjust the budget for

projects, as needed, to ensure there is an adequate fund balance in each fund. For example, in the Traffic Impact Fee Fund actual fees collected in recent years were less than budgeted to a point where actual project expenditure budget had to be reduced or removed altogether. At the March 21, 2023, City Council meeting staff initially presented a list of recommended adjustments that were being planned; notably, these adjustments are reflected in the FY2023/24 carryforward balances (as shown in Table 1 below, and in Tables 3-9 for each of the project categories). Based on FY 2022/23 actual expenditures for each project as well as estimated balance for each fund, this report includes final carryforward recommendations for the City Council's approval.

Table 1 summarizes the actual expenditures to the amended budget for the fiscal year and identifies the carryforward by CIP project category.

Table 1 – Summary of CIP Carryforwards by Project Category

Project Category	FY 2022/23 Budget	FY 2022/23 Actuals	FY 2023/24 Carryforward
Sewer	\$ 4,598,314	\$ 762,732	\$ 2,960,581
Water	7,289,522	1,332,094	3,017,330
Parks	15,421,528	1,023,591	13,987,507
Miscellaneous	9,177,693	937,106	5,216,544
Transportation & Streets	62,324,178	5,795,646	46,074,342
Storm	1,603,683	145,698	1,457,985
Facilities	20,938,484	5,088,498	11,358,647
Total	\$ 121,353,402	\$ 15,085,365	\$ 84,072,936

There are multiple reserves across the City's CIP funds. These reserves are earmarked for specific use and/or function as a holding account for projects that are in the pipeline and require additional funding or serve as an emergency funding source. While there are some general, multi-purpose reserves, such as the main Capital Improvement Program Reserve in the Miscellaneous CIP Fund, most reserves are restricted and their use must meet all the requirements of federal or state legislation, voter-approved measures, City ordinances, municipal code and/or grant. For the Summary of CIP Reserves by Project Category table below, the reserve details are provided in the corresponding category CIP project table.

Table 2 – Summary of CIP Reserves by Project Category

Project Category	FY 2022/23 Reserve
Transportation & Streets	\$ 11,485,175
Park	5,659,929
Facilities	3,765,379
Miscellaneous	3,037,079
TOTAL	\$ 23,947,562

Sewer CIP Projects

In FY 2022/23, the East Amador Lift Station (EALS) project, which will rehabilitate an aging facility to extend its useful life, was mostly done; carrying forward the remaining budget of \$0.06 million is recommended to complete the project in FY 2023/24. The Sewer Capacity

Evaluation project is a general capacity study of the City's sewer collection system to confirm proper sizing of sewer piping, pump stations and other facilities with a recommended carryforward budget of \$0.46 million. The Sanitary Sewer Management Plan project updates an integrative planning document for overall management of the City's sewer system with a recommended carryforward budget of \$0.30 million.

Table 3 summarizes the full list of Sewer CIP projects with actual expenditures to the amended budget for FY 2022/23, along with recommended carryforwards.

Table 3 – Sewer CIP Projects

SEWER CIP PROJECTS	FY 2022/23 Budget	FY 2022/23 Actuals	FY 2023/24 Carryforward
Project Status - Active Construction			
East Amador Lift Station	\$ 600,000	\$ 541,079	\$ 58,921
Sewer Capacity Evaluation	680,814	221,654	459,160
Project Status - Active Design			
Sewer Station Electrical Improvements	1,500,000	-	750,000
Project Status - Completed/Canceled			
Supervisory Control & Data Acq. (SCADA)	125,000	-	-
Project Status - Not Started			
Annual Sewer Collection System	1,392,500	-	1,392,500
Sanitary Sewer Management Plan	300,000	-	300,000
TOTAL	\$ 4,598,314	\$ 762,732	\$ 2,960,581

Water CIP Projects

In FY 2022/23, construction of the Annual Water Distribution System Improvements and Foothill Reservoir Residual Control System projects, as well as the study of the Emergency Power Improvements Utility Systems, were completed. Some of the projects with a carryforward budget include the Water System Management Plan (WSMP) project, which will develop an integrative planning document for overall management of the City's water system, establish objectives and performance measures for water supply, water quality, distribution capacity, infrastructure renewal/upgrades, operation and maintenance, with a remaining budget of \$0.66 million. The Annual Water Distribution System Improvements project, which includes replacing and/or installing water mains, valves, services, and other needed appurtenances, has a remaining budget of \$0.72 million to complete the project in FY 2023/24.

Table 4 summarizes the full list of Water CIP projects with actual expenditures to the amended budget for FY 2022/23, along with recommended carryforwards.

Table 4 – Water CIP Projects

WATER CIP PROJECTS	FY 2022/23 Budget	FY 2022/23 Actuals	FY 2023/24 Carryforward
Project Status - Active Construction			
Annual Water Distribution System Improvements	\$ 1,012,054	\$ 276,495	\$ 723,505
Foothill And Sycamore RCS	376,987	126,402	-
Project Status - Active Design			
Lemoine Bypass Pipeline Project	185,552	15,112	170,440
PFAS Treatment & Wells Rehabilitation Project	2,410,345	254,768	155,000
Water Capacity Evaluation	212,827	139,366	73,461
Water Supply Alternatives	363,755	172,534	191,221
Water System Management Plan	1,000,000	338,169	661,831
SCADA Update Water	97,571	9,247	88,324
Project Status - Completed/Canceled			
Santa Rita/Hopyard Piping Improvements	501,882	-	-
Supervisory Control & Data Acq. (SCADA)	175,000	-	-
Project Status - Not Started			
Annual Recycled Water Repair & Replacement	493,049	-	493,049
Recycled Water Fill Station Project	160,500	-	160,500
Recycled Water System Management	300,000	-	300,000
TOTAL	\$ 7,289,522	\$ 1,332,094	\$ 3,017,330

Parks CIP Projects

In FY 2022/23, there were activities across multiple projects: the construction was completed for the pickleball courts at Muirwood Community Park based on input from the community; the design and construction were mostly finished for the Augustin Bernal Mountain Bike Trail, providing a dedicated trail for mountain bikers, with completion in FY 2023/24; the design phase of the Lions Wayside Park Improvement commenced.; the Urban Forest Master Plan entered the design phase; the new cricket pitch at Ken Mercer Sports Park entered the construction phase and will be completed in FY 2023/24; and design work started on the skatepark at Ken Mercer SPorts Park.

Table 5 summarizes the full list of Parks CIP projects with actual expenditures to the amended budget for FY 2022/23, along with recommended carryforwards.

Table 5 – Parks CIP Projects

PARK CIP PROJECTS	FY 2022/23 Budget	FY 2022/23 Actuals	FY 2023/24 Carryforward
Project Status - Active Construction			
Annual Playground Renovations	\$ 320,491	\$ 6,698	\$ 299,581
Pleasanton Cricket Pitch & Field	499,270	21,391	477,879
Landscape Median Const & Renovation	50,271	29,178	21,094
Mountain Bike Trail	411,696	276,537	135,158
Pickle Ball Court At Muirwood	512,551	475,359	-
Project Status - Active Design			
Urban Forest Master Plan	357,507	26,862	330,645
Skatepark	3,284,488	130,121	3,154,367
Lions Wayside Park Improvement	1,965,490	17,025	1,948,466
Project Status - Not Started			
Annual Median Landscape Renovation	300,000	-	300,000
Design Inclusionary/All Access Play	283,485	-	283,485
Design Phase 1 Of Bernal Comm Farm	346,161	38,389	307,772
General Trail Improvement & Development	744,688	2,031	383,631
Meadowlark Mountain Bike Trail	65,500	-	65,500
Muirwood Comm. Park Court Resurface	250,000	-	250,000
Pleasanton Tennis/Community Park Led Light	120,000	-	120,000
Tennis/Community Park Court Lighting	250,000	-	250,000
Project Status - Reserve			
Bernal Prop Trail System Reserve	150,703	-	150,703
Bocce Ball Courts	35,554	-	35,554
City Street Median Island R&R	1,014,748	-	1,014,748
New Comm Pk:Site Acquisition Reserve	3,708,924	-	3,708,924
Rotary Park - Phase II Land Acquisition	750,000	-	750,000
TOTAL	\$ 15,421,528	\$ 1,023,591	\$ 13,987,507

Miscellaneous CIP Projects

In FY 2022/23, the design was completed and construction began for the Val Vista Underdrain project that will provide a permanent solution to ensure compliance with the Regional Water Quality Board regulations, routing recycled water underdrainage to local sewers instead of into the storm drain system. The design for the short-term ACE train parking solution was completed. The Valley Ave Soundwall Replacement project entered the design phase and will reconstruct and stabilize the failing soundwalls along Valley Avenue.

Table 6 summarizes the full list of Miscellaneous CIP projects with actual expenditures to the amended budget for FY 2022/23, along with recommended carryforwards.

Table 6 – Miscellaneous CIP Projects

MISCELLANEOUS CIP PROJECTS	FY 2022/23 Budget	FY 2022/23 Actuals	FY 2023/24 Carryforward
Project Status - Active Construction			
Val Vista Underdrain	\$ 1,900,635	\$ 814,603	\$ 1,086,032
Project Status - Active Design			
Annual Soundwall Repair & Replacement	100,000	-	100,000
Valley Ave Soundwall Replacement	1,000,000	6,569	993,431
Project Status - Completed/Canceled			
Climate Action Plan (CAP) Update	32,517	18,919	-
Division Street Capital Improvement	1,014,749	-	-
Short Term Ace Station Parking Solution	989,848	91,152	-
Emergency Vehicle Access Road Maintenance	250,000	-	-
Project Status - Reserve			
2021/22 Fence Installation/Repair	194,954	-	194,954
2022 Soundwall Repair & Replacement	1,115,242	-	415,242
ADA Transition Plan	120,000	-	120,000
CIPR-Capital Imp Prog Reserve	1,220,700	-	1,220,700
Downtown Beautification CIP Reserve	463,303	5,629	457,674
Pioneer Cemetery Masterplan Implementation	587,918	234	440,683
Street Light Led Conversion	187,826	-	187,826
TOTAL	\$ 9,177,693	\$ 937,106	\$ 5,216,544

Transportation & Streets CIP Projects

Transportation & Streets CIP is the City's most active capital project category. The Street Resurfacing project was completed where 1 million square feet of existing pavement was overlayed and 0.92 million square feet of existing pavement was slurry sealed. Notably, a test section of Stoneridge Mall Road was repaired with Superpave which is recommended by the Federal Highway Administration and Caltrans as the new pavement mix design to be utilized throughout the country and state, allowing for review and analysis before a broader distribution is required. The 2022 Curb and Gutter for Street project was completed where damaged concrete curb, gutter and sidewalk were replaced, and pedestrian ramps were installed or reconstructed in compliance with Americans with Disabilities Act as identified in the 2022 Street Maintenance Program. The 2023 Curb and Gutter For Street project began and is expected to be completed in FY 2023/24. The design was started for the W. Las Positas Blvd Multimodal Reconstruction project that will reconstruct portions of the roadway to address the settling and cracking of the roadway, curb and sidewalk. Construction commenced for the Annual Bicycle And Pedestrian project that will install bicycle and pedestrian related improvements, as identified by the Bicycle and Pedestrian Master Plan.

As mentioned in the Discussion section, due to insufficient revenues being collected in the Traffic Impact Fee Fund, some of the project expenditure budgets were reduced or removed altogether; these affected projects are Nevada Street Improvements, Santa Rita Fiber Interconnect, and Santa Rita Intersection Improvements.

Table 7 summarizes the full list of Transportation and Streets CIP projects with actual expenditures to the amended budget for FY 2022/23, along with recommended carryforwards.

Table 7 – Transportation & Streets CIP Projects

TRANSPORTATION & STREETS CIP PROJECTS	FY 2022/23 Budget	FY 2022/23 Actuals	FY 2023/24 Carryforward
Project Status - Active Construction			
2022 Sidewalk Maintenance	\$ 90,485	\$ 15,666	\$ 74,818
2023 Curb & Gutter For Street	750,000	448,132	301,868
2023 Sidewalk And Intersection	250,000	82,974	167,026
2023 Sidewalk Maintenance	200,000	86,506	113,494
2023 Slurry Sealing Of Various	625,000	237	624,763
2023 Street Resurfacing	3,764,409	540	3,763,869
Annual Traffic Buttons And Line Marker Installation	140,903	84,303	56,600
Annual Bicycle And Pedestrian Related Improvements	733,001	214,783	444,476
Annual Expedited Speed Lump Program	200,000	3,314	196,686
Bernal Bridge (East) Abutment	100,000	25,654	74,346
Project Status - Active Design			
Annual Evaluation/Reclass of Street Surfaces	25,000	-	15,000
Annual Neighborhood Traffic Calming	296,052	-	205,520
Annual Intersection Improvement	435,970	5,488	430,483
Bi-Annual Traffic Signal Installations	750,000	115,729	634,271
Hopyard Road & Owens Drive Intersection Improvement	3,231,417	14,635	3,216,782
I-580 Overcrossing Bicycle & Pedestrian Improvements	440,000	23,211	250,000
I-680 Sunol Blvd. Interchange Improvements- Phase I	2,427,212	161,659	1,865,553
Stoneridge Drive & I-680 Onramp	11,309,656	1,679	11,307,977
W Las Positas Blvd. Multimodal Reconstruction	6,037,356	262,499	5,774,857
Westbound Bernal Ave. at First St/Sunol Blvd. Intersection	5,070,776	-	5,070,776
Project Status - Completed/Canceled			
2017 Bridge Evaluations Program	276,055	10,664	-
2017 Traffic Signal Installation	96,751	37,500	-
2021/22 Eval/Reclass Of Streets	65,000	15,000	-
2022 Curb And Gutter For Street	121,959	90,700	-
2022 Slurry Sealing Of Various	489,076	489,076	-
2022 Street Resurfacing	3,873,063	3,544,360	-
Bridge Approach Roadway Repair	75,415	-	-
Right Of Way Traffic To Caltrans	37	-	-
Santa Rita Fiber Interconnect	180,000	-	-
Santa Rita Intersection Improvements	5,090,474	-	-
Project Status - Reserve			
2nd Bridge Bernal/Laguna	2,714,924	-	2,157,143
Clara Lane Extension Reimburse	663,041	-	663,041
Dougherty Valley Mitigation Reserve	377,694	-	377,694
Dublin Canyon Road Widening	2,332,705	-	2,332,705
Ext Of Livingston Way	25,479	-	25,479
Happy Valley Bypass Road & Improvements	645,905	-	645,905
JDEDZ ROW and Miscellaneous	964,360	-	964,360
Nevada Street Improvements	2,773,776	61,339	162,621
Old Vineyard Ave Pedestrian Trail-Phase 2 & 3	689,575	-	164,575
Tri Valley Trans Fees Reserve	1,852,517	-	1,852,517
Use Of Dublin Freeway Reimbursements	2,108,462	-	2,108,462
Vineyard Corridor Improvements	30,673	-	30,673
TOTAL	\$ 62,324,178	\$ 5,795,646	\$ 46,074,342

Storm CIP Projects

In FY 2022/23, the Cemetery Storm Repair & Replacement project was added as a result of the March 2023 storm and the work is expected to be completed in FY2023/24. Winter storms

from December 2022 and March 2023 caused damage at various locations but also identified some of the vulnerable areas that require more long-term, permanent solutions to ensure they can withstand future storm events; while some of these projects were included in the 4-Year Capital Improvement Program, additional critical projects have surfaced. Staff is assessing each project and will present recommended adjustments as part of the mid-term budget amendment process.

Table 8 summarizes the full list of Storm CIP projects with actual expenditures to the amended budget for FY 2022/23, along with recommended carryforwards.

Table 8 – Storm CIP Projects

STORM CIP PROJECTS	FY 2022/23 Budget	FY 2022/23 Actuals	FY 2023/24 Carryforward
Project Status - Active Construction			
Annual Storm Repair & Replacement	\$ 371,226	\$ 60,648	\$ 310,578
Cemetery Storm Repairs & Renovation	147,000	85,050	61,950
Design & Construct Storm Drain Improvements	785,457	-	785,457
Project Status - Not Started			
Annual Installation Of Trash Capture Devices	300,000	-	300,000
TOTAL	\$ 1,603,683	\$ 145,698	\$ 1,457,985

Facilities CIP Projects

In FY 2022/23, the Library Roof Replacement project was substantially completed in response to the 2019 Interactive Resources roofing and HVAC assessment; various repairs and replacements were made to the fascia, gutters, downspouts and windows to address water intrusion into the building. The new 8,000 square feet, two-story Fire Station 3 replaced a nearly 50-year-old station that had reached its end of service life.

Table 9 summarizes the full list of Facilities CIP projects with actual expenditures to the amended budget for FY 2022/23, along with the recommended carryforwards.

Table 9 – Facilities CIP Projects

FACILITIES CIP PROJECTS	FY 2022/23 Budget	FY 2022/23 Actuals	FY 2023/24 Carryforward
Project Status - Active Construction			
Design/Construct New Fire Station 3	\$ 2,351,700	\$ 1,369,900	\$ 981,799
Expand Parking On Downtown Transportation Corridor	831,009	590,516	240,493
Library Roof Replacement	2,887,299	2,740,047	147,252
St. Mary St Lighting Improvements	176,949	109,588	67,361
Project Status - Active Design			
Library Lighting	400,000	33,530	366,470
OSC Generator Replacement	575,000	27,795	547,205
Police Department Training Facility Repairs	300,000	136,490	163,510
Project Status - Completed/Canceled			
2021 HVAC Replacement	1,202,500	-	-
Bernal Park And Ride Lot	1,101,000	-	-
City Parking Lots - Resurfacing	2,028,759	3,170	-
Project Status - Not Started			
Century House Facility Assessment	4,800,000	-	4,800,000
Design Of Police Dept. Secured Police & Staff Parking	100,000	-	100,000
Remove City Hall Modular Buildings	200,000	20,823	179,177
Project Status - Reserve			
Alviso Adobe Strategic Plan Implementation	1,000,000	42,745	957,255
Amador Theatre Facility Assessment	135,643	-	35,643
City-Wide Access Control System	250,000	-	250,000
Design EOC At Fire Training Facility	400,000	-	400,000
Design Fire Station #2 Improvements	473,625	-	473,625
Design Of Aquatic Center 50 Meter Pool Deck	300,000	13,894	286,106
Design Of City Administration	300,000	-	300,000
Design & Replacement Of The Civic Center Roof & HVAC	250,000	-	250,000
Design Of Val Vista Park Restroom	75,000	-	12,750
OSC Fire Alarm & Notification System	800,000	-	800,000
TOTAL	\$ 20,938,484	\$ 5,088,498	\$ 11,358,647

Revenue Carryforwards

Some project revenues, including grants and Traffic Impact Fee revenues, were not received in FY 2022/23 and need to be carried forward.

Table 10 summarizes the recommended revenue carryforwards.

Table 10 – Revenue Carryforwards

Fund Project	FY 2023/24 Revenue Carryforward
162 Miscellaneous CIP Grants	
Stoneridge Drive & I-680 Onramp	\$ 5,200,000
I-580 Overcrossing Bicycle & Pedestrian Improvement	250,000
West Las Positas Boulevard Multimodal Reconstruction	867,000
Fund 162 Total	6,317,000
172 Transportation Development Grant	
Annual Bicycle & Pedestrian Related Improvements	350,000
Fund 172 Total	350,000
203 Capital Facilities Impact Fees	
Landscape Median Const & Renovation	5,578
Century House Facility Assessment	100,000
Design EOC At Fire Training Facility	400,000
Design Fire Station #2 Improvements	473,625
Alviso Adobe Strategic Plan Implementation	650,000
Remove City Hall Modular Buildings	179,177
2022 Soundwall Repair & Replacement	225,000
Police Department Training Facility	2,700,000
Design Of Val Vista Park Restroom	12,750
Design Of Aquatic Center 50 Meter Pool Deck	37,106
Design Of The Civic Center Roofing & HVAC	42,500
Library Lighting	63,046
Design of 123 Main Street Roof 7 HVAC	51,000
Skatepark	397,131
Remaining Traffic Impact Fee Revenue	597,318
Fund 203 Total	5,934,231
TOTAL	\$ 12,601,231

The City Council's adoption of the proposed resolution provided as Attachment 1 will accept the FY 2022/23 year-end Financial Report for the Capital Improvement Program Budget and amend the FY 2023/24 CIP Budget.

EQUITY AND SUSTAINABILITY

Not applicable, as this item is an administrative matter of City business.

OUTREACH

No outreach was conducted, as this item is an administrative matter of City business.

STRATEGIC PLAN ALIGNMENT

Approval of this action advances the ONE Pleasanton strategic plan goal of *Funding Our Future* to support the City's fiscal sustainability. Examining and reviewing actual revenues and expenditures from FY 2022/23 provides staff with additional information to adjust the current

fiscal year's budget, as needed, as well as fine-tune the long-term financial forecast for more informed fiscal planning.

FISCAL IMPACT

The recommendations as outlined in this report present all financial activity and changes in the FY 2022/23 CIP Budget for the City Council's approval since the last approved budget adjustments. With City Council approval, staff will update the FY 2023/24 budget for projects and revenues in various capital funds to reflect carryforward amounts in this report.

Prepared by:



Chris Yi, Financial Services Manager
Dawn DeMarcus, Senior Budget and Finance Analyst

Submitted by:



Susan Hsieh, Director of Finance

Approved by:



Gerry Beaudin, City Manager

Attachments:

1. Resolution - CIP Year End Resolution FY 2022-23
2. Estimated Changes in Fund Balances

RESOLUTION NO. 20-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON
ACCEPTING THE FY 2022/ 23 YEAR-END FINANCIAL REPORT FOR THE CAPITAL
IMPROVEMENT PROGRAM (CIP) BUDGET AND AMENDING THE FY 2022/23 CIP
BUDGET**

WHEREAS, each year a report of financial condition of the Capital Improvement Program is presented to the City Council which includes staff recommendations for budget amendments and carryovers; and

WHEREAS, staff presented to the City Council such a report for the fiscal year ending June 30, 2023.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES
RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

SECTION 1: City Council accepts the FY 2022/23 Capital Improvement Program Year-End Financial Report.

SECTION 2: City Clerk shall certify to the passage of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on December 19, 2023.

I, Jocelyn Kwong, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on December 19, 2023, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Jocelyn Kwong, City Clerk

APPROVES AS TO FORM:

Daniel G. Sodergren, City Attorney

CITY OF PLEASANTON, CA - CAPITAL IMPROVEMENT PROGRAM
Estimated Changes in Fund Balances, FY 2022/23

Fund	Fund Description	FY 23 Beginning Balance	FY23 Actual Revenue	FY 23 Actual Expenses	Estimated Year-End Fund Balance	Recommended Revenue Carryforward	Recommended Expenditure Carryforward	Revised YE Fund Balance
160	Gas Tax	4,954,061	3,829,971	2,608,804	6,175,228	-	4,970,720	1,204,507
162	Miscellaneous CIP Grants	(300,142)	227,147	227,147	(300,142)	6,317,000	6,317,000	(300,142)
163	Measure B Bike & Pedestrian	1,020,319	11,305	475,197	556,427	-	379,945	176,482
164	Measure B - Streets/ACTC	940,110	4,413	884,145	60,379	-	66,033	(5,655)
165	Measure BB Bike & Pedestrian	1,488,682	554,783	-	2,043,465	-	1,609,697	433,768
166	Measure F	460,696	363,562	350,178	474,080	-	349,822	124,258
167	Specific Plans	867,004	41,349	32,904	875,449	-	133,902	741,547
170	Measure BB - Streets/Roads	1,436,567	1,968,821	830,421	2,574,968	-	1,629,401	945,567
172	Transportation Development Grant	-	20,163	125,119	(104,956)	350,000	78,255	166,789
173	JDEDZ Transportation Fee	552,497	460,021	-	1,012,518	-	-	1,012,518
201	Miscellaneous CIP-Gen	27,041,093	7,656,316	5,670,333	29,027,075	-	20,346,170	8,680,905
202	Downtown & North Pleas CIP	3,326,951	121,893	131,250	3,317,594	-	790,525	2,527,069
203	Capital Facilities Impact Fees	847,274	436,528	524,901	758,902	5,934,231	2,239,782	4,453,351
204	Misc Developer Contributions	274,669	317,628	-	592,297	-	-	592,297
211	Street CIP - Gen	10,568,822	193,922	1,019,589	9,743,156	-	7,348,580	2,394,576
212	Traffic Impact Fees	9,794,622	1,064,411	316,567	10,542,466	-	9,943,079	599,388
214	Trivalley Transportation	2,213,899	94,826	-	2,308,725	-	1,852,517	456,207
215	Streets Developer Contribution	6,901,882	98,415	4,297	6,996,000	-	6,735,619	260,381
216	NPID I 82-4	1,222,162	13,744	33,624	1,202,283	-	1,197,475	4,808
221	Park CIP - Gen	971,569	1,690,146	271,549	2,390,166	-	1,472,578	917,588
222	Park Development Impact Fees	10,186,486	115,038	553,745	9,747,779	-	8,372,422	1,375,357
223	Parks Developer Contributions	329,519	3,735	440	332,813	-	-	332,813
241	Sewer Developer Contributions	42,155	478	-	42,633	-	-	42,633
421	Water Replacement CIP	7,362,324	488,537	1,696,885	6,153,976	-	2,058,013	4,095,963
422	Water Connection Fees	4,048,574	156,276	73,534	4,131,316	-	5,768	4,125,548
426	Recycled Water CIP	2,004,554	683,129	116,581	2,571,102	-	953,549	1,617,553
431	Sewer Replacement CIP	12,508,504	971,231	1,604,058	11,875,677	-	2,845,791	9,029,886
432	Sewer Connection Fees	3,134,438	113,577	78,661	3,169,354	-	114,790	3,054,564
441	Storm Drain Replacement/Renov	1,243,725	1,515,084	475,191	2,283,618	-	1,810,578	473,040
Total*		\$ 115,443,017	\$ 23,216,449	\$ 18,105,120	\$ 120,554,346	\$ 12,601,231	\$ 83,622,012	\$ 49,533,566

* Please note there are two capital projects funded in non-capital funds. The remaining budget for these two projects, totaling \$450,924, is recommended to be carried forward.

Fund	Project	Carryforward Amount
129	COP Urban Forest Master Plan	\$ 330,645
518	Annual Playground Renovations	120,280
	Subtotal Carryforward	450,924 *
	Total Carryforward from table above	83,622,012
	Adjusted Expenditure Carryforward	\$ 84,072,936

CITY COUNCIL AGENDA REPORT

December 19, 2023
Finance

TITLE: ADOPT A RESOLUTION TO ACCEPT THE FY 2022/23 YEAR-END OPERATING BUDGET REPORT, APPROVE BUDGET AMENDMENTS IN MULTIPLE FUNDS, AND DESIGNATE THE GENERAL FUND BALANCE

SUMMARY

This report presents the results of operations for the Fiscal Year 2022/23 Operating Budget (Budget) and recommends designations of the General Fund reserves. This information is unaudited; the audited information will be included in the City's Annual Comprehensive Financial Report (ACFR) and will be presented to the City Council after the City's independent auditor has issued its opinion on the ACFR, and it has been reviewed by the Audit Committee which is expected to occur in January/February 2024. If there are any differences in the financial information presented in this report and the ACFR as a result of the audit, those changes will be highlighted at the time the ACFR is presented to the City Council for acceptance.

RECOMMENDATION

Adopt a resolution to accept the Fiscal Year 2022/23 Year-End Operating Budget report, approve budget amendments in multiple funds, and designate the June 30, 2023, General Fund Balance.

BACKGROUND

Annually, staff presents the year-end financial report to the City Council for approval. The report summarizes the actual results of the financial activities for the fiscal year and details changes in reserves and recommended budget amendments or adjustments. The City's ACFR is still in progress; therefore, the financial information included in this report is based on unaudited figures. The audited information will be presented to the City Council in the ACFR after the City's independent auditor has issued its opinion and the ACFR has been reviewed by the Audit Committee. All of this is expected to occur in January/February 2024. Any changes to the information presented in this report as a result of the audit will be brought to the City Council's attention at that time.

DISCUSSION

The following discussion addresses the General Fund, Enterprise Funds, and Internal Services Funds, examining amended budget versus actuals for FY 2022/23. The amended budget is the original budget plus all budget amendments approved by the City Council through June 30, 2023.

General Fund

Table 1 below summarizes the FY 2022/23 General Fund revenues, net transfers, and expenditures. Actual revenues were greater than the amended budget by \$9.3 million or 6.5%. This excludes a net unrealized investment loss of approximately \$1.7 million incurred in FY

2022/23. Accounting for this unrealized loss, the revised net difference is \$7.7 million or 5.3%. Transfers in and out (net transfers) were \$0.2 million less than the amended budget. Actual expenditures were \$3.2 million or 2.3% less than the amended budget. A detailed explanation of amended budget versus actuals is included in Tables 2, 3, 4 and 5 in this report.

Actual investment loss is not expected as the City intends to hold its securities until maturity. However, the Governmental Accounting Standards Board (GASB) requires reporting of unrealized investment loss/fair market value adjustment in the ACFR. Additionally, based on new GASB implementations related to leases and subscription-based information technology arrangements (SBITAs), required adjustments resulted in actual revenue and expenditure numbers both increasing by approximately \$1.4 million.

The City was allocated almost \$8.6 million funding through the American Rescue Plan Act of 2021; \$4.3 million was spent in FY 2021/22, and remaining funds were spent in FY 2022/23 on General Fund operations, including public safety, community services, operations services, and economic development programs that provided local business support. As this one-time federal stimulus funding no longer available, a series of adjustments were made in developing the FY 2023/24 and 2024/25 budget, including reduced General Fund contributions to Capital Funds and Internal Service Funds. Actuals also include approximately \$3.5 million in one-time transfer from the Rainy Day Fund to the General Fund.

The City budgets revenues and expenditures conservatively to ensure resources are available to cover expenditures, as a significant portion of the City's General Fund revenue is not received until the third and fourth quarters of the fiscal year, such as business license tax, property tax, and sales tax. While a balanced budget is achieved every year, due to limited resources not all funding needs are incorporated into the budget. When resources are available, these funding gaps are reduced/filled to reduce future financial burden.

Table 1. General Fund Amended Budget to Actuals and Budget Amendments

General Fund	FY 2021/22	FY 2022/23			
	Actual	Amended Budget	Actual	Budget Amendment	Adjusted Actual
Revenues*	\$142,599,464	\$143,443,624	\$152,768,013		\$152,768,013
Net Transfers	(12,781,954)	(5,138,485)	(4,975,623)	(4,000,000)	(8,975,623)
Expenditures	(120,540,274)	(136,714,056)	(133,556,605)		(133,556,605)
Net Total	\$9,277,236	\$1,591,083	\$14,235,785	(\$4,000,000)	\$10,235,785
Unrealized Investment Loss for FY23			(1,652,645)		
Net Total with Unrealized Loss			\$12,583,140	(\$4,000,000)	\$8,583,140
Transfer In from the Rainy Day Fund			(3,512,760)		
Adjusted Net Total**			\$9,070,380	(\$4,000,000)	\$5,070,380

*FY 2022/23 actual revenue total excludes an unrealized investment loss of \$1,652,645. The net total for FY 2022/23, including this unrealized loss, is \$12,583,140.

**This adjusted total excludes the transfer in from the Rainy Day Fund, showing the ACFR presentation in which transfers between the General Fund and the General Fund sub-fund are eliminated.

The City has several ongoing funding needs that in most years do not get fully funded due to financial constraints, and FY 2023 was no exception. Staff recommends a series of adjustments, including first restoring the General Fund's unrestricted reserve to the 20.0% target level, which is approximately \$29.6 million based on the Adopted FY 2023/24 General Fund Operating Budget, and establishing two new reserves - a Strategic Plan Implementation

Reserve (\$0.8 million) to fund various initiatives included in the recently adopted One Pleasanton five-year strategic plan and an Emergency Reserve (\$0.5 million) to set aside funds to be utilized in the event of any unforeseen disasters or emergency situations.

In addition, transfers totaling \$4.0 million to various funds are recommended to address negative fund balance issues in some funds, such as Storm Drain and Worker's Compensation, and making a one-time contribution to some of the Repair & Replacement funds that are projected to be depleted of funds over the next one to two years. These funds may also help to address anticipated funding needs for replacement and/or upgrades of various equipment, vehicles, and information systems that are critical for City operations. Table 2 below details all the recommended adjustments.

Notably, the City's Storm Drain service has a major funding issue due to its structural deficit of more than \$1.0 million annually for which the General Fund has been providing the necessary subsidy to close a funding gap each year. Staff is exploring options to address this funding issue and present recommended actions at a later date.

In summary, these proposed allocations help to strengthen the General Fund reserve, establish an Emergency/Disaster reserve, advance City Council and community strategic goals, and address funding needs in the City's Storm Drain, Insurance, and Repair and Replacement Programs.

Non-General Fund

In April 2015, the City's Replacement/Renovation Internal Service Fund advanced \$2.0 million to the Park Capital Improvement Program (CIP) Capital Fund to be used for costs associated with the Bernal Community Park Phase II Lighted Multi-Purpose Sports Fields project. The advance was scheduled to be repaid through private fundraising efforts - the Play Bernal Fundraising Campaign - within 10 years after the park's opening date of October 6, 2016. In FY 2022/23, the City received more than \$0.2 million in contributions from various entities involved in this fundraising campaign. Staff recommends budget amendments in the Bernal Community Park Donation Fund to add budget based on actual professional service costs incurred for landscaping and signage work at the park, as well as budget to transfer the contribution to the Park CIP Capital Fund for \$35,000 and \$0.2 million.

Table 2. Proposed General Fund Budget Amendments

Proposed Use	Amount	Rationale
General Fund Reserve*	\$ 7,155,022	Increase the unrestricted General Fund reserve to the 20.0% target level of FY 2023/24 operating expenses.
Strategic Plan Implementation Reserve	800,000	Set aside funding for various initiatives included in the One Pleasanton 5-Year Strategic Plan.
Emergency Reserve	500,000	Set aside funding for any unforeseen disasters or emergency situations
Transfers to		
Storm Drain Fund	1,000,000	Increase contribution to eliminate negative fund balance.
IT Repair & Replacement	1,000,000	Replenish fund balance to ensure adequate funds are available for technology-related repairs and purchases.
General Liability	800,000	Increase contribution to cover increasing insurance claim payments.
Worker's Compensation	500,000	Increase contribution to reduce negative fund balance.
Fire Repair & Replacement	250,000	Increase contribution to help offset future replacement costs.
Facilities Repair & Replacement	250,000	Increase contribution to build fund balance based on anticipated future projects.
Traffic Signal Repair & Replacement	200,000	Partially restore the annual contribution that was reduced in the FY 2023/24 Adopted Budget.

*Adjustment to the General Fund Reserve represents the amount for its unrestricted reserve only.

General Fund Revenues. Actual General Fund revenues received were greater than the amended budget by approximately \$9.3 million or 6.5% greater than the amended budget. As noted previously, after accounting for \$1.7 million in unrealized loss, the adjusted net difference is \$7.7 million or 5.3%. Table 3 below presents the major revenue categories with a comparison of the amended budget versus actual revenues, as well as the variance to the amended budget.

Table 3. General Fund Revenues – Amended Budget vs. Actual

Revenues	FY 2021/22	FY 2022/23		
	Actual	Amended	Actual	Variance
Property Taxes	\$80,185,671	\$83,754,000	\$86,075,776	(\$2,321,776)
Sales & Use Taxes	24,554,367	25,100,000	26,183,661	(1,083,661)
Other Taxes	14,154,075	13,660,000	15,498,864	(1,838,864)
Development Services Fees	7,132,466	5,209,000	6,391,087	(1,182,087)
Recreation Fees	3,652,326	3,847,077	4,197,090	(350,013)
Other Revenues	12,920,557	11,873,547	14,421,536	(2,547,989)
Total	\$142,599,464	\$143,443,624	\$152,768,013	(\$9,324,389)
Unrealized Investment Loss for FY23			(1,652,645)	1,652,645
Net Total with Unrealized Loss		\$143,443,624	\$151,115,368	(\$7,671,744)

Property Tax revenue is the largest revenue source for the General Fund, accounting for

56.3% of total revenues. In FY 2022/23 actual property tax collections including all categories of property related taxes were approximately \$86.1 million compared to an estimate of \$83.8 million in the amended budget, or \$2.3 million (2.8%) higher than the amended budget. Secured property tax and supplemental property tax were higher than budget by about \$0.8 million and \$1.5 million, respectively, while documentary transfer tax is lower than budget by \$0.3 million and lower than prior year actual by \$0.8 million due to the decline in home sale activities. The City likely benefitted from higher construction and home sale activities that happened in other cities within Alameda County as property tax revenues are shared by all cities in the first year when properties change hands.

Sales Tax revenue is the second largest revenue source for the General Fund, accounting for 17.1% of the total revenues. FY 2022/23 actual sales tax collections were approximately \$26.2 million compared to an estimate of \$25.1 million in the amended budget. This \$1.1 million or 4.3% increase reflects that several sales tax categories performed better than expected, but it should be noted that almost \$0.5 million of \$1.1 million was one-time, unanticipated audit collection for taxes owed several years ago. Excluding this one-time correction, actual sales tax revenue was \$0.6 million or 2.5% higher than the amended budget.

Business License Tax revenue was budgeted at \$5.0 million, and actual collections were \$5.9 million or \$0.9 million higher than the amended budget as a result of new licenses and greater gross receipts than expected. Some Business License Tax collected in FY 2022/23 was related to various, one-time construction contracts and other professional services. As such, a more modest level of growth is expected in future years.

Actual Transient Occupancy Tax (TOT) collected was approximately \$5.0 million or \$0.9 million higher compared to a budgeted estimate of \$4.1 million in the amended budget as a result of increased business travel activity in the Tri-Valley region. While TOT revenues continue to increase from a COVID-19 low of \$2.0 million in FY 2020/21, the \$5.0 million collected in FY 2022/23 is still significantly lower than the all-time high of \$6.5 million achieved in FY 2018/19. This tax had significant recovery in FYs 2021/22 and FY 2022/23, but this level of improvement is not expected to continue based on recent travel industry trends.

Development Services Fee revenues were approximately \$6.4 million or 22.7% higher compared to an estimate of \$5.2 million in the amended budget with actual plan check fees collected exceeding the amended budget by approximately \$1.2 million due to fees associated with major development projects, including AvalonBay Communities and Costco. This additional revenue was offset by a corresponding increase of approximately \$0.6 million in professional services costs to support additional workload.

Actual Recreation Fee revenues were approximately \$0.4 million or 9.1% higher compared to an estimate of \$3.8 million in the amended budget due to an increased demand for recreation programs during the spring and summer months of FY 2022/23.

Other Revenues exclude an unrealized investment loss of \$1.7 million; however, this includes approximately \$1.4 million in GASB adjustments related to the City's leases and SBITAs, as well as the \$4.3 million American Rescue Plan Act stimulus funds, as previously noted.

General Fund Expenditures. Actual General Fund expenditures incurred were less than the amended budget by \$3.2 million or 2.3% lower than the amended budget. Table 4 below shows

the major expenditure categories comparing amended budget against actual expenditures.

Table 4. General Fund Expenditures – Amended Budget vs. Actual

Expenditure Categories	FY 2021/22	FY 2022/23		
	Actual	Amended	Actual	Variance
Personnel	\$90,472,870	\$97,353,673	\$94,110,681	\$3,242,992
Transportation & Training	1,731,192	1,714,998	1,750,740	(35,741)
Repairs & Maintenance	5,084,729	8,352,165	8,167,740	184,425
Materials & Supplies	22,850,811	28,796,036	27,199,195	1,596,842
Other Expenditures	400,673	497,184	2,328,250	(1,831,066)
Total Expenditures	\$120,540,274	\$136,714,056	\$133,556,605	\$3,157,451

The \$3.2 million savings in Personnel costs is primarily due to greater than anticipated levels of vacancies in several departments, including Police, Fire, Operations Services, Finance, and Community Development. The savings for the Fire Department were primarily attributed to the use of retiree medical reserves and trust funds.

Actual expenditures in the Transportation and Training category exceeded its amended budget slightly mainly due to higher fuel costs and employees engaging in training opportunities, many of which were not offered during the COVID-19 pandemic.

The \$0.2 million savings in the Repairs and Maintenance category is mostly due to reduced repair contract expenditures.

The \$1.1 million savings in the Materials, Supplies and Services category is the result of the following over/under expenditures: approximately \$1.2 million in savings from various contractual services, almost \$0.2 million in savings from utilities, and approximately \$0.3 million in savings from miscellaneous accounts; these are offset by overspending in materials and supplies by approximately \$0.3 million for temporary personnel, \$0.2 million for community support, and \$0.1 million for the Livermore-Pleasanton Fire Department.

The \$1.8 million in overspending in Other Expenditures is mostly due to the aforementioned GASB-related adjustments associated with the City's leases and SBITAs.

Transfer of Funds. As shown in Table 5 below, actual net General Fund transfers out were less than the amended budget by \$0.3 million mostly because the planned subsidy to the Transit Fund was no longer needed based on actual expenses and revenues. This reduced transfers out total was offset with reduced transfers in from the Retiree Medical Fund to cover the subsidy to retiree health insurance as the actual transfer was based on the amount from the actuarial valuation report.

Table 5. Transfers In and Transfers Out - Amended Budget vs. Actual

Transfers	FY 2021/22	FY 2022/23		
	Actual	Amended	Actual	Variance
TRANSFERS IN - From:				
Urban Forestry Fund (1/2 of Landscape Arch Assist)	\$25,000	\$25,000	\$25,000	-
Retiree Medical Fund (Implied Subsidy)	826,000	900,000	769,000	131,000
Golf Loan Repayment	48,055	500,000	531,780	(31,780)
Happy Valley Infrastructure Loan Repayment	-	31,780	31,503	277
Streets Developer Contribution Fund	442	-	-	-
Rainy Day Fund	-	3,512,760	3,512,760	-
Miscellaneous Grant Fund (Grant Expenditure Adjustment)	-	-	13,411	(13,411)
TRANSFERS OUT - To:				
Miscellaneous CIP Fund	(8,087,549)	(5,964,516)	(5,964,516)	-
Senior & Low Income Household Discounts				
Water Fund	(271,481)	(250,000)	(269,855)	19,855
Sewer Fund	(103,964)	(110,000)	(107,864)	(2,136)
Transit Fund (Subsidy)	-	(267,881)	-	(267,881)
Storm Drain Fund (Subsidy)	(625,000)	(625,000)	(625,000)	-
Cemetery Fund (Subsidy)	(50,000)	(50,000)	(50,000)	-
Repayment to Retiree Med Fund for Golf Debt	(893,000)	(900,000)	(900,000)	-
LED CEC Loan Repayment	(190,628)	(190,628)	(190,628)	-
Park CIP Fund	(250,000)	(250,000)	(250,000)	-
Storm CIP Fund	(475,000)	(1,500,000)	(1,500,000)	-
Street Developer Contribution Fund	(72)	-	-	-
Rainy Day Fund	(2,734,757)	-	-	-
Miscellaneous Grant Fund (Non-Grant Expenditure Adjustment)	-	-	(1,213)	1,213
NET TRANSFERS	(\$12,781,954)	(\$5,138,485)	(\$4,975,623)	(\$162,862)
Recommended Budget Amendments*	-	(\$4,000,000)	(\$4,000,000)	\$0
REVISED NET TRANSFERS		(\$9,138,485)	(\$8,975,623)	(\$162,862)

*Refer to Table 2 for more information on these transfers.

General Fund Reserves. Table 6 below provides the breakdown of the different reserves in the General Fund, as well as recommended adjustments. As detailed in Table 2, transfers of \$4.0 million to various funds are recommended. In addition to transfers, setting aside \$0.8 million in the Strategic Plan Implementation Reserve to fund various initiatives included in the One Pleasanton five-year strategic plan and \$0.5 million in the Emergency Reserve to earmark funds for any future unanticipated events or disasters are recommended. Remaining funds are recommended to be kept in the General Fund to increase its Unrestricted General Fund Reserve to 20.0% of the Adopted FY 2023/24 Operating Budget, excluding transfers, at \$29.6 million. This 20.0% is the recommended target level per the City's Reserve Policy, adopted by the City Council on June 6, 2023. Overall, the total General Fund reserves will be approximately \$50.7 million.

Table 6. General Fund – Fund Balance

General Fund Fund Balance	Ending Fund Balances at 6/30/2023	Recommended Budget Adjustments	Ending Fund Balance
Unrestricted General Fund Reserve	34,867,010	(5,300,000)	\$29,567,010
COVID Response & Recovery Reserve	399,150	-	399,150
Crisis Response Program Reserve	400,000	-	400,000
Mobile Outreach Vehicle Reserve	280,000	-	280,000
Strategic Plan Implementation Reserve	-	800,000	800,000
Emergency Reserve	-	500,000	500,000
Restricted General Fund Reserve*	18,725,569	-	18,725,569
Total General Fund Reserves	\$54,671,729	(\$4,000,000)	\$50,671,729

*Restricted Reserve includes the General Fund's share of PARS Section 115 Trust (\$18,210,562) and non-spendable balances (\$515,007), which represent advances to other funds and notes receivable.

Enterprise Funds

The City currently has six enterprise funds:

- Water/Recycled Water O&M Fund
- Sewer O&M Fund
- Callippe Preserve Golf Course Fund
- Storm Drain O&M Fund
- Paratransit Fund
- Cemetery Fund

The Operating Budget only includes the Operations & Maintenance (O&M) and Debt Service expenses of these enterprises. Capital improvements and replacements for the Water, Sewer and Storm Drain funds are accounted for in the Capital Improvement Program (CIP). The financial results of the CIP are presented to the City Council in a separate report.

Each enterprise fund should generate adequate revenues to fully cover operating costs, as well as supplemental costs to maintain and update its facilities and infrastructure. However, both Storm Drain and Cemetery operations currently do not generate adequate revenues and receive a subsidy from the General Fund as a result. Staff will explore options to address this funding issue and present recommendations to the City Council at a later date for consideration.

Water and Sewer Operating Funds

Water/Recycled Water Operations and Maintenance (O&M) Fund. As shown in Table 7, the Water Operating Fund ended FY 2022/23 with an operating fund balance of \$8.4 million. The \$8.4 million equals 23.4% of the Water and Recycled Water O&M Fund's FY 2023/24 budgeted operating expenses. The operating reserve policy adopted by the City Council on June 6, 2023, requires reserves equal to between 30.0% and 40.0% of operating expenses with a target of 35.0%, so this 23.4% reserve level is well below the recommended target.

On November 7, 2023, the City Council approved a two-year rate increase, effective January 2024, that will enable the City to continue maintaining and providing high quality water/recycled

water services and help replenish the reserve. The City will need to explore various debt financing options in the near future should a capital project for new wells based on the PFAS alternative study moves forward. Working toward a more financially sound position with adequate reserves will ensure that the City can qualify for most favorable financing options with lowest borrowing rates.

Water revenues were approximately \$1.0 million or 3.4% less than an estimate included in the amended budget due to actual water and recycled water sales coming in lower than previously anticipated. On the expenditure side, water purchase costs from Zone 7 were approximately \$0.1 million more than budgeted in FY 2022/23. The increase was offset by savings in other expenditure categories, including more than \$1.7 million less expenditures for Repair and Replacement activities, approximately \$0.4 million in attrition savings, and \$0.1 million in miscellaneous other net savings. During the fiscal year, staff continuously worked to contain costs to preserve fund balance.

Table 7. Water/Recycled Water O&M Funds – Amended Budget vs. Actual

Water + Recycled Water (O&M)	FY 2022/23			
	Amended	Actual	Variance	Variance %
Beginning Balance, July 1	\$10,918,009	\$10,918,009	\$0	0.0%
Revenues	30,010,541	29,002,129	(1,008,412)	-3.4%
Net Transfers	(1,733,262)	(1,720,265)	12,997	-0.7%
Expenses				
Zone 7 Purchased Water	(18,775,000)	(18,922,044)	(147,044)	0.8%
All other expenses	(13,172,911)	(10,917,570)	2,255,340	-17.1%
Total Expenses	(31,947,911)	(29,839,614)	2,108,296	-6.6%
Net Income	(\$3,670,632)	(\$2,557,750)	\$1,112,881	-30.3%
Ending Balance, June 30	\$7,247,378	\$8,360,259	\$1,112,881	15.4%

Sewer Operations and Maintenance (O & M) Funds. As shown in Table 8 below, the Sewer Operating Fund ended FY 2022/23 with an operating fund balance of approximately \$8.3 million. This \$8.3 million fund balance equals 46.7% of the Sewer Fund's FY 2023/24 operating expenses. The operating reserve policy adopted by the City Council on June 6, 2023, requires reserves equal to between 30.0% and 40.0% of operating expenses with a target of 35.0%. While operating reserves exceed the maximum required reserve level, a series of adjustments were made in developing the FY 2023/24 and FY 2024/25 Operating Budget that involved making one-time contributions from the Sewer Capital Fund to cover operating costs in order to balance the budget. During the fiscal year, staff continuously worked to contain costs in anticipation of the budget challenges.

Sewer revenues were approximately \$0.4 million or 2.3% lower than an estimate included in the amended budget due to lower than anticipated utilization of the sewer services for the year. On the expenditure side, actuals were approximately \$2.4 million less than the amended budget, mostly due to about \$2.3 million less in expenditures for Repair and Replacement activities along with lower sewer treatment fees charged by Dublin San Ramon Service District (DSRSD) by approximately \$0.1 million due to lower than estimated utilization of sewer treatment services.

Table 8. Sewer O&M Funds – Amended Budget vs. Actual

Sewer (O&M)	FY 2022/23			
	Amended	Actual	Variance	Variance %
Beginning Balance, July 1	9,155,249	\$9,155,249	\$0	0.0%
Revenues	16,092,658	15,727,739	(364,919)	-2.3%
Net Transfers	(95,277)	(99,994)	(4,717)	5.0%
Expenses				
DSRSD	(11,000,000)	(10,878,045)	121,955	-1.1%
All other expenses	(8,062,617)	(5,643,665)	2,418,951	-30.0%
Total Expenses	(19,062,617)	(16,521,710)	2,540,907	-13.3%
Net Income	(\$3,065,236)	(\$893,965)	\$2,171,270	-70.8%
Ending Balance, June 30	\$6,090,013	\$8,261,284	\$2,171,270	35.7%

Storm Drain Operating Fund

As shown in Table 9, the Storm Drain Operating Fund began and ended FY 2022/23 with a negative fund balance. While actual expenditures were less than the amended budget by approximately \$0.1 million, the Storm Drain Fund has been operating at a major funding deficit in recent years due to revenues generated from Urban Runoff Fees hovering around \$0.5 million annually while operating costs have been increasing each year. An annual subsidy from the General Fund has been used to cover some of the operating costs, but with the deficit growing each year, the level of subsidy has been growing correspondingly; this approach is not sustainable. As noted earlier in the report, staff recommends an additional, one-time transfer of \$1.0 million from the General Fund to address the negative fund balance issue as a short-term solution. Staff will explore options to solve the funding issue and present recommendations to the City Council at a later date.

Table 9. Storm Drain Operating Fund – Amended Budget vs. Actual

Storm Drain Operations	FY 2022/23			
	Amended	Actual	Variance	Variance %
Beginning Balance, July 1	(204,860)	(\$204,860)	\$0	0.0%
Revenues	730,000	737,680	7,680	1.1%
Expenses	(1,953,586)	(1,868,460)	85,126	-4.4%
Net	(1,223,586)	(1,130,780)	92,807	-7.6%
Transfer In - General Fund subsidy	625,000	625,000	0	0.0%
Net Income	(\$598,586)	(\$505,780)	\$92,807	-15.5%
Ending Balance, June 30	(\$803,447)	(\$710,640)	\$92,807	-11.6%

Cemetery Fund

As shown in Table 10 below, the Cemetery Fund ended the year with a fund balance of approximately \$0.5 million, slightly less than anticipated in the amended budget due to actual revenues and expenditures less than the budget by \$40,000 and \$8,000, respectively. Revenues are derived from burial plot sales and corresponding expenditures are related to burials, both of which are challenging to predict. The General Fund budget includes a transfer of \$50,000 to the Cemetery Fund.

The Cemetery Fund is another enterprise fund that is currently operating at a major deficit largely due to the cost of cemetery maintenance increasing each year while revenues generated from sales of burial plots have decreased in the last three years. At the current pace, the Cemetery Fund will likely run out of fund balance over the next two to four years. Staff is exploring opportunities to increase revenue streams and will present recommendations at a future date.

Table 10. Cemetery Fund– Amended Budget vs. Actual

Cemetery Operations	FY 2022/23			
	Amended	Actual	Variance	Variance %
Beginning Balance, July 1	\$652,193	\$652,193	\$0	0.0%
Revenues	228,000	188,282	(39,719)	-17.4%
Expenses	(373,541)	(365,938)	7,603	-2.0%
Net	(145,541)	(177,657)	(32,116)	22.1%
Transfer In - General Fund subsidy	50,000	50,000	0	0.0%
Net Income	(\$95,541)	(\$127,657)	(\$32,116)	33.6%
Ending Balance, June 30	\$556,651	\$524,536	(\$32,116)	-5.8%

Internal Service Funds

Internal Service Funds account for the financing of goods or services provided by a department to other departments on a cost-reimbursement basis; examples of this are the Retirees Medical Reserve Fund, the Repair and Replacement Funds, and the Self Insurance Fund. These funds not only account for current year expenditures but also long-term liabilities of the City. These liabilities may not result in actual expenditures in the short term but will result in future expenditures for the replacement of equipment or the payment in the future for retiree employee medical benefits. In accordance with the City's adopted financial policies, the City recognizes costs as they accrue, and sets money aside to fund future expenditures, rather than allowing these costs to accumulate and become a future financial burden.

Retirees Medical Reserve Fund. The FY 2022/23 actual revenues and expenditures reflect the 2021 OPEB actuarial study recommendations and actual retiree medical payments.

As shown in Table 11 below, actual revenues were \$1.0 million less than the amended budget due to reduced actual expenses. Actual expenses, including transfers, were approximately \$1.5 million less than budgeted, which is related to unused retiree medical benefits that occur when eligible retirees have their medical benefits provided through another means such as a spouse or another job. The Retirees Medical Reserve Fund does not require a fund balance. Staff will monitor the level of activities in FY 2023/24 and propose to make necessary adjustments to utilize the fund balance of \$0.5 million.

Table 11. Retirees Medical Reserve Funds - Amended Budget vs. Actual

Retirees Medical Reserve Fund	FY 2022/23			
	Amended	Actual	Variance	Variance %
Beginning Fund Balance	\$161,381	\$161,381	\$0	0.0%
Revenues	4,587,000	3,585,422	(1,001,578)	-21.8%
Net Transfers	(91,000)	68,000	159,000	-174.7%
Expenditures	(4,595,000)	(3,263,762)	1,331,238	-29.0%
Ending Fund Balance	\$62,381	\$551,041	\$488,660	-225.5%
Change in Fund Balance	(\$99,000)	\$389,660	\$488,660	225.5%

Replacement/Renovation Funds. In accordance with the City's financial policies, the City maintains various Replacement/Renovation Funds. The purpose of these funds is to provide ongoing replacement of City equipment, vehicles, traffic signals, streetlights, and to make major repairs/renovations to City facilities, parks, and medians to extend their useful lives.

As described in Table 12 below, collectively, expenditures from the Repair and Replacement funds were \$3.4 million less than anticipated in FY 2022/23. Any unspent funds remain in the Repair and Replacement funds to be expended on projects and equipment or vehicle replacements in the future. Contributions from the General Fund were budgeted at the appropriate level, while corresponding revenues in the Repair & Replacement Funds were budgeted at a lower level. With funding available in the General Fund, transfers were made at the budgeted contribution levels. Actual net transfers ended up with a difference of \$32,000 due to an adjusted transfer amount from the Golf Operating Fund to the Golf Repair and Replacement Fund.

Notably, many of the City's Repair and Replacement funds do not have an adequate fund balance to cover necessary project costs and/or replace aging equipment or vehicles in a timely manner. For example, the Information Technology Repair and Replacement Fund, which funds replacement costs for the City's technology equipment, such as computers, monitors, servers, network equipment, has an estimated ending fund balance of just over \$0.1 million. The Facilities Repair and Renovation Fund, which is used as a primary funding source for minor facility repairs and modifications, as well as unanticipated repairs at any of the City's facilities, needs additional funding. This fund has also traditionally been used to pay the City's share of costs associated with gymnasium-related repairs or upgrades.

As part of the 2023-25 biennial budget development process, staff performed a preliminary analysis to estimate the level of contributions needed from the General Fund to the Repair and Replacement Funds and determined that the current annual contribution levels are not sufficient. A more comprehensive analysis is planned as part of the Asset Management Plan Study that is now underway to better estimate an appropriate level of funding needed to support each Repair and Replacement Fund.

Table 12. Repair & Replacement Funds - Amended Budget vs. Actual

Repair & Replacement Funds	FY 2022/23			
	Amended	Actual	Variance	Variance %
Beginning Fund Balance	\$22,138,408	\$22,138,408	\$0	0.0%
Revenues	2,955,500	5,633,559	2,678,059	90.6%
Net Transfers	(1,043,282)	(1,075,062)	(31,780)	3.0%
Expenditures	(8,795,031)	(5,361,593)	3,433,438	-39.0%
Ending Fund Balance	\$15,255,595	\$21,335,312	\$6,079,717	54.6%
Change in Fund Balance	(\$6,882,813)	(\$803,096)	\$6,079,717	-54.6%

Workers Compensation Funds. There are two Workers Compensation funds: one for the City of Pleasanton workers' compensation expenses and liabilities and the other for Livermore-Pleasanton Fire Department's (LPFD) workers' compensation expenses and liabilities. While there is and has been sufficient cash in both funds (\$5.0 million for the City of Pleasanton and \$6.6 million for LPFD) to cover actual Workers' Compensation expenses, the incurred but not expensed claims - that is, future liability - cause both funds to have negative fund balances. That said, as described in Tables 13 and 14 below, the City's Claims Paid and Future Liability are lower than expected by \$0.3 million and \$0.1 million, respectively, while LPFD's Claims Paid are higher by \$65,000 and Future Liability is lower by \$0.4 million comparing to FY 2021/22 actual.

The City periodically allocates available funds to the Workers' Compensation Fund to ensure there is available funding to cover claims in the event the City settles more claims than anticipated in the annual budget as well as to lower future liability.

Table 13. City of Pleasanton Workers Compensation Fund – Amended Budget vs. Actual

Workers' Compensation Fund	FY 2022/23			
	Amended	Actual	Variance	Variance %
Beginning Fund Balance	(\$4,084,078)	(\$4,084,078)	\$0	0.0%
Revenues	1,792,000	1,802,201	10,201	0.6%
Expenses				
Claims Paid	(1,420,000)	(1,080,128)	339,872	-23.9%
Future Liability	(480,000)	(331,000)	149,000	-31.0%
All other expenses	(391,430)	(415,830)	(24,400)	6.2%
Total Expenses	(2,291,430)	(1,826,958)	464,472	-20.3%
Ending Fund Balance	(\$4,583,508)	(\$4,108,835)	\$474,673	-68.4%

Table 14. LPFD Workers Compensation Fund – FY 2020/21 Actual vs. FY 2022/23 Actual

LPFD Workers' Compensation Fund	FY 2021/22 Actual	FY 2022/23 Actual		
			Variance	Variance %
Beginning Fund Balance	(\$2,010,124)	(\$2,529,864)	(\$519,740)	25.9%
Revenues	1,561,028	1,555,440	(5,588)	-0.4%
Expenses				
Claims Paid	(1,364,113)	(1,428,625)	(64,512)	4.7%
Future Liability	(321,000)	70,000	391,000	-121.8%
All other expenses	(395,655)	(441,943)	(46,288)	11.7%
Total Expenses	(2,080,768)	(1,800,568)	280,200	-13.5%
Ending Fund Balance	(\$2,529,864)	(\$2,774,992)	(\$245,128)	-93.3%

All Other Operating Funds

For the most part, budget variances are small for the other Operating Funds as shown in Attachment 2. As a result, staff is not recommending any budget changes.

EQUITY AND SUSTAINABILITY

Not applicable, as this item is an administrative matter of City business.

OUTREACH

No outreach was conducted, as this item is an administrative matter of City business.

STRATEGIC PLAN ALIGNMENT

Approval of this action advances the ONE Pleasanton strategic plan goal of *Funding Our Future* to support the City's fiscal sustainability. Examining and reviewing actual revenues and expenditures from FY 2022/23 provides staff with additional information to adjust the current fiscal year's budget, as needed, as well as fine-tune the long-term financial forecast for more informed fiscal planning.

FISCAL IMPACT

The recommendation ratifies the City Council's actions since the last approved budget adjustment in FY 2022/23; establishes two new reserves - a Strategic Plan Implementation Reserve (\$0.8 million) and an Emergency Reserve (\$0.5 million); transfers \$4.0 million from the General Fund to various funds as detailed in Table 2; approves two budget amendments in the Bernal Park Donation Fund; and designates the June 30, 2023, General Fund Balances as outlined in this report. The proposed unrestricted General Fund reserves will be \$29.6 million, which is 20.0% of the budgeted FY 2023/24 General Fund operating expenditures, the target reserve level stated in the City's Reserve Policy. When combined with restricted and other committed General Fund reserves, the total General Fund reserves will be \$50.7 million.

Prepared by:



Chris Yi, Financial Services Manager

Submitted by:



Susan Hsieh, Director of Finance

Approved by:



Gerry Beaudin, City Manager

Attachments:

1. Resolution - FY 2022-23 Year-End Operating Budget
2. Exhibit A to Resolution - Estimated Changes in Fund Balances

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON
ACCEPTING THE FY 2022/23 YEAR-END OPERATING BUDGET, APPROVING
BUDGET AMENDMENTS IN MULTIPLE FUNDS, AND DESIGNATING GENERAL
FUND RESERVES**

WHEREAS, each year a report of financial condition of the Operating Budget is presented to the City Council, and

WHEREAS, staff presented to the City Council such a report for the fiscal year ending June 30, 2023

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:

Section 1: Accepts the June 30, 2023 Fund Balances as shown in Exhibit A.

Section 2: Designates General Fund Reserves for existing and future unknown obligations as shown in Exhibit A for all funds and as follows for the General Fund and the Bernal Park Donation Fund.

Section 3: Allocates transfers from the General Fund to multiple funds as follows: \$1,000,000 to the Storm Drain Operating Fund; \$1,00,000 to the Information Technology Replacement Fund; \$800,000 to the General Liability Fund; \$500,000 to the Workers' Compensation Fund; \$250,000 to the Fire Apparatus Replacement Fund; \$250,000 to the Facilities Repair and Renovation Fund; and \$200,000 to the Traffic Signal Replacement Fund. The City Council also allocates \$7,155,022 to the General Fund reserve, \$800,000 to the Strategic Plan Implementation Reserve, and \$500,000 to the Emergency Reserve in the General Fund. Additionally, allocates \$34,714 professional services budget in the Bernal Park Donation Fund, along with a transfer of \$206,588 from the Bernal Park Donation Fund to the Park CIP Capital Fund.

Section 4: The City Clerk shall certify to the passage of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on the 19th day of December 2023.

I, Jocelyn Kwong, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

FY 2022/23 OPERATING BUDGET YEAR-END REVIEW CHANGES IN FUND BALANCES

	Actual June 30, 2022 Balance	Actual FY 2022/23 Revenue	Actual FY 2022/23 Net Transfers	Actual FY 2022/23 Expenditures	Recommended Budget Amendments	Actual FY 2022/23 Net Income w/ Budget Amendments	Actual June 30, 2023 Balance w/ Budget Amendments	Major Long Term Commitments & Liabilities June 30, 2023	YR END June 30, 2023 Balance Less Commitments & Liabilities
GENERAL FUND	\$ 43,732,845	\$ 152,768,013	\$ (4,975,623)	\$ (133,556,605)	\$ (4,000,000)	\$ 10,235,785	\$ 53,968,630 *	\$ 2,379,150	\$ 51,589,480
RAINY DAY FUND	10,133,310	-	(3,512,760)	-	-	(3,512,760)	6,620,550	-	6,620,550
ENTERPRISE FUNDS									
Transit	\$ 463,502	\$ 727,019	-	\$ (512,209)	-	\$ 214,810	\$ 678,312	-	\$ 678,312
Cemetery	652,193	188,282	50,000	(365,938)	-	(127,657)	524,536	500,000	24,536
Golf	1,835,443	5,914,922	(1,466,218)	(4,622,602)	-	(173,897)	1,661,545	-	1,661,545
Storm Drain	(204,860)	737,680	625,000	(1,868,460)	1,000,000	494,220	289,360	-	289,360
Water	12,962,382	26,653,452	(304,006)	(28,139,604)	-	(1,790,157)	11,172,225	-	11,172,225
Recycled Water	(2,044,373)	2,348,677	(1,416,259)	(1,700,011)	-	(767,593)	(2,811,966)	-	(2,811,966)
Sewer	9,155,249	15,727,739	(99,994)	(16,521,710)	-	(893,965)	8,261,284	-	8,261,284
Enterprise Funds	\$ 22,819,535	\$ 52,297,771	\$ (2,611,477)	\$ (53,730,534)	1,000,000	\$ (3,044,239)	\$ 19,775,295	\$ 500,000	\$ 19,275,295
INTERNAL SERVICE FUNDS									
Employee Benefits	\$ 63,924	\$ 111,986	-	\$ (115,286)	-	\$ (3,300)	\$ 60,624	\$ (4,824,475)	\$ 4,885,099
Workers' Compensation	(4,084,078)	1,802,201	-	(1,826,958)	500,000	475,243	(3,608,835)	(9,165,000)	5,556,165
Public Art Acquisition	211,749	106,526	-	(70)	-	106,455	318,205	-	318,205
Vehicle Replacement	4,230,364	588,328	-	(542,808)	-	45,520	4,275,884	-	4,275,884
Police Vehicle Replacement	2,714,187	436,272	-	(1,250,364)	-	(814,091)	1,900,096	-	1,900,096
Fire Apparatus Replacement	2,457,948	449,448	-	(59,748)	250,000	639,700	3,097,648	-	3,097,648
Equipment Replacement	2,931,544	573,300	-	(208,603)	-	364,697	3,296,242	-	3,296,242
Facilities Renovation	3,355,957	643,031	(788,500)	(688,778)	250,000	(584,247)	2,771,710	-	2,771,710
Information Technology Replacement	617,244	380,625	-	(862,208)	1,000,000	518,417	1,135,661	-	1,135,661
Golf Replacement	737,493	12,154	934,438	(651,394)	-	295,199	1,032,692	-	1,032,692
Park & Median Renovation	1,497,346	1,053,109	(1,221,000)	(731,256)	-	(899,147)	598,199	-	598,199
Street Light Replacement	2,198,429	337,096	-	(36,895)	-	300,201	2,498,630	-	2,498,630
Traffic Signal Replacement	842,196	841,462	-	(329,470)	200,000	711,992	1,554,188	-	1,554,188
PARS Section 115 Trust	28,059,531	-	-	-	-	-	28,059,531	-	28,059,531
Pleasanton Retirees' Medical Reserve	161,381	3,585,422	68,000	(3,263,762)	-	389,660	551,041	-	551,041
Self-Insurance Retention	2,520,437	1,798,481	-	(3,375,989)	800,000	(777,507)	1,742,930	(859,094)	2,602,024
City Enhancement	343,950	212,208	-	-	-	212,208	556,158	-	556,158
Internal Service Funds	\$ 48,859,603	\$ 12,931,651	\$ (1,007,062)	\$ (13,943,589)	3,000,000	\$ 981,000	\$ 49,840,603	\$ (14,848,569)	\$ 64,689,172

* The actual FY 2022/23 General Fund Ending Fund Balance of \$53,968,630 excludes a cumulative investment gain of \$1,510,562 in the General Fund's share of the PARS Section 115 Trust and a GASB 31 fair value loss adjustment of \$4,807,463. Accounting for these investment adjustments, the revised FY 2022/23 General Fund ending fund balance is \$50,671,729.

FY 2022/23 OPERATING BUDGET YEAR-END REVIEW CHANGES IN FUND BALANCES

SPECIAL REVENUE FUNDS

	Actual June 30, 2022 Balance	Actual FY 2022/23 Revenue	Actual FY 2022/23 Net Transfers	Actual FY 2022/23 Expenditures	Recommended Budget Amendments	Actual FY 2022/23 Net Income w/ Budget Amendments	Actual June 30, 2023 Balance w/ Budget Amendments	Major Long Term Commitments & Liabilities June 30, 2023	YR END June 30, 2023 Balance Less Commitments & Liabilities
D.A.R.E.	\$ 19,037	\$ 216	-	-	-	\$ 216	\$ 19,253	-	\$ 19,253
Asset Forfeiture	18,661	1,105	-	-	-	1,105	19,766	-	19,766
Asset Forfeiture - Federal	10,256	117	-	-	-	117	10,372	-	10,372
Downtown Parking In-Lieu	726,486	8,236	-	-	-	8,236	734,722	-	734,722
Recycling & Waste Management	573,705	301,951	-	(442,092)	-	(140,141)	433,564	-	433,564
Miscellaneous Donations	420,802	8,699	-	(40,047)	-	(31,349)	389,454	-	389,454
Bernal Donations	236	239,275	(206,588)	(34,714)	(241,301)	(2,026)	(1,790)	-	(1,790)
H.A.P.P.Y. Public Art Donations	67,431	31,110	-	-	-	31,110	98,541	-	98,541
CASB FEE	88,843	33,385	-	(4,782)	-	28,602	117,445	-	117,445
Recycling & Waste Management Import Mitigation	208,329	1,643	-	(91,523)	-	(89,881)	118,449	-	118,449
Operating Grants	272,882	309,472	(12,198)	(415,146)	-	(117,872)	155,010	-	155,010
Law Enforcement	928,428	210,495	-	-	-	210,495	1,138,923	-	1,138,923
Used Oil Grant	-	10,090	-	(10,090)	-	-	-	-	-
Community Access T V	1,823,874	244,245	-	(165,866)	-	78,379	1,902,254	-	1,902,254
Downtown Economic Development Loan	29,730	337	-	-	-	337	30,067	-	30,067
Lower Income Housing	12,579,586	1,789,792	-	(1,087,881)	-	701,910	13,281,496	-	13,281,496
Community Development Block Grant	-	424,052	-	(424,052)	-	-	-	-	-
H.O.M.E. Program	-	-	-	(123,118)	-	(123,118)	(123,118)	(123,118)	(0)
Abandoned Vehicle	121,354	31,212	-	(29,824)	-	1,388	122,742	-	122,742
H.B.P.O.A. Maintenance District	-	252,250	-	(252,250)	-	-	-	-	-
Urban Forestry	430,484	117,856	(25,000)	(55,822)	-	37,033	467,517	-	467,517
Lemoine Geologic Hazard Distrct	109,948	10,017	-	(22,088)	-	(12,071)	97,877	-	97,877
Laurel Creek Geologic Hazard District	1,055,544	61,393	-	(55,189)	-	6,204	1,061,749	-	1,061,749
Moller Geologic Hazard Dist	148,715	13,896	-	(40,724)	-	(26,827)	121,888	-	121,888
Oak Tree Farm Geologic Hazard Dist	124,995	15,134	-	(23,769)	-	(8,635)	116,360	-	116,360
Ponderosa Landscape District	90,284	16,395	-	(15,112)	-	1,283	91,567	-	91,567
Windsor Landscape District	(15,381)	24,073	-	(21,094)	-	2,979	(12,402)	-	(12,402)
Bonde Landscape District	13,088	26,492	-	(15,353)	-	11,139	24,227	-	24,227
Moller Ranch Landscape District	268,182	59,238	-	(47,717)	-	11,521	279,703	-	279,703
Oak Tree Farm Landscape Dist	57,198	19,849	-	(8,679)	-	11,170	68,368	-	68,368
North Pleasanton Improvements District	1,077,040	27,877	-	(7,012)	-	20,864	1,097,904	-	1,097,904
Business Support	1,655,843	148,283	-	(47,891)	-	100,392	1,756,236	-	1,756,236
Special Revenue Funds	\$ 22,905,582	\$ 4,438,183	\$ (243,785)	\$ (3,481,837)	(241,301)	\$ 712,560	\$ 23,618,143	(123,118)	\$ 23,741,261

OTHER FUNDS

Pleasanton Township County Water District #3									
Trust Fund	\$ 366,119	\$ 5,047	-	\$ (16,729)	-	\$ (11,682)	\$ 354,437		\$ 354,437
Other Funds	\$ 366,119	\$ 5,047	-	\$ (16,729)	-	\$ (11,682)	\$ 354,437	-	\$ 354,437
TOTAL - ALL FUNDS	\$ 148,816,995	\$ 222,440,664	\$ (12,350,707)	\$ (204,729,293)	\$ (241,301)	\$ 5,360,664	\$ 154,177,659	\$ (12,092,537)	\$ 166,270,196