

**CITY COUNCIL MEETING
MINUTES
March 3, 2026**

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

The City Council Meeting was held in a hybrid format (in-person and via Zoom videoconference and broadcast) from the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Tave called the Regular Meeting of the City Council to order at 5:00 p.m. and led the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT

Before we begin, we would like to acknowledge the Ohlone people, who are the traditional custodians of this land. We pay our respects to the Ohlone elders, past, present and future, who call this place, Ohlone Land, the land that Pinole sits upon, their home. We are proud to continue their tradition of coming together and growing as a community. We thank the Ohlone community for their stewardship and support, and we look forward to strengthening our ties as we continue our relationship of mutual respect and understanding.

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

An official who has a conflict must, prior to consideration of the decision; (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself/herself from discussing and voting on the matter; and (3) leave the room until after the decision has been made, Cal. Gov. Code § 87105.

A. COUNCILMEMBERS PRESENT

Anthony Tave, Mayor
Devin Murphy, Mayor Pro Tem
Norma Martinez-Rubin, Council Member
Maureen Toms, Council Member
Cameron Sasai, Council Member*

*Arrived after Roll Call

B. STAFF PRESENT

Melissa Klawuhn, Acting City Manager/Police Chief
Eric Casher, City Attorney
Lilly Whalen, Community Development Director
David Hanham, Planning Manager
Justin Shiu, Associate Planner
Jared Murti, Housing Fellow
Roxane Stone, Deputy City Clerk

Deputy City Clerk Roxane Stone announced the agenda had been posted on February 26, 2026 at 2:10 p.m. with all legally required written notices.

Written comments had been received in advance of the meeting, distributed to the City Council and staff, posted to the City website and made available to the public to view in the Council Chambers.

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

4. CONVENE TO A CLOSED SESSION:

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Gov. Code §54956.9(d)(2) or (d)(3)

Number of Potential Cases: 1

5. RECONVENE IN OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION:

At 6:04 p.m., Mayor Tave reconvened the meeting into open session. There was no report from the Closed Session.

6. CITIZENS TO BE HEARD (Public Comments)

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

Richard Cossel reported on the recent successful cleanup of Pinole Creek where the source of the trash was from the streets and the stream was the last point before debris went into the Pacific Ocean. He emphasized the need to address trash at the source and commented in one instance he found trash that apparently came from food from the driver of an Amazon delivery van. Having learned of Amazon's policies, he found drivers were required to dispose of any trash before they got back into the vehicle. This issue with trash applied not only to Amazon but other delivery services as well. He suggested the City could mitigate the situation and use the issue as an opportunity to have the companies help to contribute to Pinole's beautification. He also reported that a pothole in front of his residence on Jordan Way was disintegrating and needed repair.

Peter Murray reported the website California City News focused on local, county and state governments and offered a synopsis of what was occurring in different communities. He commented on the fact there was a lot of information about bad government, people operating for their own personal benefit and being brought to task under the law. He referenced information about a city located in Los Angeles County that involved a City Manager and City Council who had been brought to task for corruption and another case where someone was running for City Council who was a convicted pedophile. He found the information to be interesting reading and would post the information on Nextdoor so that people in the community could see what was going on. He also commented on the 3-2 majority on the City Council, which took him back to 2008 when there had also been a three-person block. Given the limited time to speak, he planned to follow-up his comments at a later date.

Debbie Long asked when the public would be presented with the argument in favor of the ballot measure for an Elected Mayor, when and how much time would be allotted for the con answer to the measure, when the public would be notified of the time to present the argument against the measure and whether that argument would be required to be presented to the City Clerk or to the county. She also asked whether the same term limits would be applied to an Elected Mayor as they were to the City Council, which would require a vote of the people at additional cost.

Ms. Long suggested the ballot measure for an Elected Mayor was a waste of taxpayer money and staff time, particularly when evidence had been presented that everyone perceived this action as an expensive solution to a problem that did not exist. Public speakers, emails and postings on public forums had all spoken against an Elected Mayor. She was not commenting on the ban against gas stations since that was another item on the meeting agenda; however, she emphasized the fact the City had polling regarding the ban and had ignored the results. The City Council declined to poll the public on an Elected Mayor which would not have produced the results the City Council wanted, and the respondents as part of the polling for a ban on new gas stations overwhelmingly opposed the ban. Once again, she stated the City spent taxpayer money polling the public, ignoring the results and moving forward with an unsupported ordinance.

Ms. Long found the City Council majority modus operandi was to spend first and tax later and they were a majority Council that was out of touch with the community and overall, fiscally irresponsible. She also found it too bad people commenting and emailing about this topic were not required to state their city of residency, because the only two comments supporting an Elected Mayor that she read were from people who did not live in the City of Pinole.

Ann Moriarty, reported during the February 3, 2026 City Council meeting, a decision had been made to move forward with a ballot measure for an Elected Mayor. The proposal spurred an unprecedented commentary in-person, on social media and through emails. A Council member chose to read one email to bolster his position of the more than 35 emails that were submitted. She used her remaining time to read into the record written comments that had not received the same public attention, as follows:

Amey Shaw, I am a resident here in viewpoint and I see no need for a Mayor, for God sakes. What the heck are they gonna do? Help design the Christmas lights? Stop wasting my money Thanks, Amey, Amey Shaw.

Basem Khalil, It is concerning to see typical political tactics used to obfuscate and deflect the current issues by dismissing them as "just a survey" or the result of instigation by "ex-mayors" and "cliques." This appears to be more about political ambition at the expense of Pinole. We have already seen the impact of this environment. Our last city manager resigned abruptly after a very short tenure. This raises important questions: why did she leave, and was it due to a lack of compliance with council member Murphy's wishes? Furthermore, there is a legitimate concern regarding whether the next selection will be a political ally. It seems nothing is being allowed to stand in the way of this agenda. We are being told that an elected mayor would accomplish more than our current rotational system; however, it is difficult to see how a single individual would be more effective than the collective efforts of five council members. A country like Switzerland has successfully used the rotational system for years. Are we going to allow Pinole to degenerate into a dysfunction like some neighboring cities with elected mayors? I hope not. Best regards, Basem Khalil

Bob Falconi, *I have been a resident of Pinole for greater than 35 years and want to voice my opposition to Item 10A on the Pinole February 3, 2026 City Council Agenda. You don't need to be a weatherman to know which way the wind is blowing and we don't need to call for an expensive self-serving special election to move from a rotating mayor among council members to an "elected mayor" and all of the expense and potential negative impacts that could bring to Pinole. And by-the-way, in our current system of government in Pinole, mayor's _are_ elected. We haven't yet voted out all of the charter city supporters on the council but we're working on it. Until then, we all need to watch for these hair brained ideas and call them out.*

Kent Moriarty continued reading into the record some of the comment letters that had not been read at the prior City Council meeting, as follows:

Bob Moore, *Pinole City Council, As a long-time resident of Pinole I am writing to oppose putting a resolution on the ballot for an elected Mayor and spending \$37,236 - \$55,854 thousand dollars or more that our city does not have. This is irresponsible! Our current system of having the Mayor position rotating among council members has worked very well for a very long time. It is not our current system that has caused our current financial problems. Maybe the citizens of Pinole should look at our current city council and ask, why would we make someone permanent when they already have not dealt with our financial problems. That's like saying I know I haven't help with our finances but if you make me permanent and pay me more money I can fix it. Please stop to wasting our money!*

Bryan Hampton, *In my opinion as a 23-year homeowner here in Pinole, CA with its population just over 18,000, we are fine without a full-time mayor and all the added expenses that may be incurred to do so. Please put this motion to rest, do what you are already elected to do. How about taking that money and spend it on some landscaping and beautification projects ... or better yet, clean up the GROSSLY OVERGROWN PINOLE CREEK! This does not need to go on the ballot! Thank you, Bryan and Denise Hampton*

Cynthia Ohlmann, *We do not need a full-time mayor. We are a small town with a deficit. I would be unwise to go further into debt. We need to repave and fix the roads. That and safety should be main priorities.*

Diane Schick, *Please do not approve spending any money on an unnecessary special election to discuss an elected mayor. A city of the small size of Pinole has absolutely no need for an elected mayoral position. The current system of mayoral rotation has been working well for generations and provides a diverse group of individuals who can together come to discuss and decide on issues. The very idea of spending tons of money we need for many other shortfalls, mainly our street maintenance and repair, is insane. It also appears to be instigated by one individual who wants to further their future political ambitions and has touted many "accomplishments" some of which are not even local or single handed. We do not need or want our beloved city of Pinole to become another Berkeley or Richmond. Please strongly take this into consideration along with the opinions of a majority of Pinole's longtime residents, when discussing this matter. Thank you, Diane Schick*

Jennifer Horn also continued reading into the record some of the comments letters as follows:

Judie Marks, *As a long-time resident of Pinole I DO NOT SUPPORT* wasting our tax dollars, on a whether or not, to have a separate election in order to elect 1 certain person as mayor. The city runs fine with the current process. There are many other more important issues our tax dollars should be spent on. I will not, in the future, support any city council member who votes in favor of this money grab idea. Judie Marks

Kathryn Gerk, *Dear City Council; I DO NOT SUPPORT* you spending \$25,000.00 to see if the city of Pinole wants to change the way we elect a Mayor. Respectfully, Kathryn Gerk

Linda Radcliffe, *I do not believe it would be beneficial to the City to have a full-time mayor. The City struggles now with budgetary concerns and this is an additional expense we do not need!*

Margaret Gelhaus, *I am opposed to changing Pinole's governing system to an elected mayor system. Our council system has worked well for years. Spending the money for a special election at this time is fiscally irresponsible, because the city does not currently have enough money to cover everything the city needs.*

Margaret Young, *Dear Mayor Tave and City Council Members: I am opposed to spending any taxpayer money on sending out a survey or questionnaire to the residents of Pinole [to determine whether to hire a full-time Mayor] because it would cost **thousands** of dollars. I understand if there are enough "YES" votes, this will be put on the June ballot. There are plenty of other important issues in Pinole that need addressing, and the City needs that money to address those issues [pedestrian safety; road repair; hiring a full-time, permanent City Manager; school improvements; maintenance and repair of lighting, parks, and walking trails, etc.]. The City should focus its energy and resources to things that the taxpayers indicated they need and want. I'm unaware of any citizens who are demanding a full-time Mayor. Because Pinole is a small city, it does not need a full-time Mayor. The tradition of Mayoral Rotation has been working quite well for many years. It allows for more diversity, and it avoids the danger of one person becoming entrenched. If it ain't broke, why fix it? I vote "NO" on this Issue. Thank you for reading this. Sincerely, Margaret Young*

Melanie Norton, *I vote no on agenda item 10a.*

Nancy Andrina, *To whom it may concern, Please VOTE NO on 10 a, no need for a direct Mayor Election. 10a. Resolution Calling For Special Election And Submitting Question Regarding Office Of Elected Mayor To Voters Action: Adopt a Resolution Calling For Special Election.*

Noreen Buller-Realtor, *Dear City Council please mark my objection to the idea of changing how we elect a mayor. Keep mayor rotation as it is! thank you, Noreen.*

Mary Horton stated she was a five-time elected member of the City Council who served as a rotational Mayor four times, fought for the Pinole Police Department (PPD) when the sentiment had been to contract out to the county, fought for a utility tax the first in the City's history and fought to keep Shannon Elementary School open, all of which were still in place. She was very proud of that record as a rotational Mayor again with all of the accomplishments still in place today. She reported she would be voting no for a directly Elected Mayor, since one Council member was saying "we need new ideas to support the residents" and "we have to do something our current system isn't working" which begs the question, why is it not working.

Ms. Horton asked about the new ideas, why those ideas were not being discussed now and why wait if it was so vital. She added that moving forward with a ballot measure passed with a 3-2 split vote, the same people who were always voting 3-2, which raised suspicion. She suggested a Council member also opined in a separate article that the community was divided and the ballot box was the right referee. In her opinion, the community was not divided, and the submitted emails were vastly not supportive of the measure. People were volunteering those emails to show they did not want an Elected Mayor and she heard overwhelming support to oppose an Elected Mayor, which did not count the number of people who had appeared before the City Council in person asking the City Council not to move forward, but they had been ignored. There were also comments that this was a one-time expense. Rather, she recommended the City Council Travel Budget at \$60,000, which also involved a 3-2 vote, be put on the ballot too. She was confident it would not pass. She urged a no vote on the ballot measure for an Elected Mayor and urged No Kings in Pinole.

William Horton, a Pinole voter who paid property, utility and sales taxes, trusted the City Council to take care of the City 's quality of life, police, fire, parks and streets. Currently five Council members were directly elected by Pinole voters, four would take a one-year term as Mayor and the five together would solve the yearly budget problems. A directly Elected Mayor ballot measure was a \$55,000 mistake since it would result in one Mayor and four Council members in November 2026. There would still be budget problems, such as repairing roads, and the budget would be smaller by \$55,000. A separately Elected Mayor would not guarantee any new ideas or funds to repair roads or solve budget problems. He asked the City Council to reconsider this ballot measure and save the \$55,000.

Frances Bright was also opposed to the ballot measure for an Elected Mayor, particularly for such a small community. She loved Pinole but there was much that needed to be repaired from potholes and school issues. She was confused and saw there was no ground swell that was calling for this action.

Bill Bright was also opposed to the ballot measure for an Elected Mayor for such a small city. He found this additional bureaucracy or expense was not needed, and asked how much an Elected Mayor would be paid. He commented on the expenses of sales and utility taxes which significantly impacted homeowners. He suggested the City should be spending taxpayer funds on repairs, such as pothole repair, and commented he attended a recent meeting at the Senior Center about road repair. He preferred the current rotational system for the Mayor and asked the City Council to reconsider this unneeded ballot measure. He could not see residents of Pinole supporting this initiative and he would work aggressively against it and anyone who supported it.

7. REPORTS & COMMUNICATIONS

A. Mayor Report

Mayor Tave reported he attended the St. Joseph Black History Month event, the African-American Student Union Jubilee at Pinole Valley High School (PVHS) and the last day of the Pinole Library for the kick-off prior to the library closure for renovations.

1. Announcements: None

B. Mayoral & Council Appointments: None

C. City Council Committee Reports & Communications

Council member Martinez-Rubin reported she had been prepared to meet with her colleagues from the City of Hercules for a Wastewater Subcommittee meeting but there had not been a quorum. She thanked Hercules and Pinole staff for having prepared for the meeting and Pinole Community Television (PCTV) which was prepared to record the proceedings. She hoped the delegates for Hercules and Pinole would be available at the next meeting, and in the event one was unable to attend meetings in the future, she asked that the delegates notify the alternates in the event of any conflicts.

Mayor Pro Tem Murphy recognized the month of March as Women's History Month, which was time to celebrate and reflect on the continued pursuit of equity and for the community to intentionally learn about and uplift the countless contributions women had made to society, science, arts, political, public service, energy and innovation, academia, business and social welfare, with women across the region continuing to build, lead and inspire. He posted on social media his thoughts about the tremendous women who had inspired him not only in Contra Costa County but across the State of California including District Attorney Diana Becton and State Controller Malia Cohen. He encouraged people to continue learning about the tremendous history of women in West County.

Mayor Pro Tem Murphy reported during the February 3, 2026 City Council meeting, he announced he had been appointed by the National League of Cities President to serve on the Finance, Administration and Intergovernmental Relations Committee. He recently attended the first meeting of that committee, which played a key role in shaping national policy positions affecting local governments and highlighted the numerous issues in which the committee would be focused. The committee was recently engaged in efforts to protect cities during federal tax reform discussions, preserving the tax-exempt status of municipal bonds and advocating for local taxing authority on online remote sales transactions. The committee included local elected officials and City staff from across the country and he was honored to serve Pinole and the State of California on the committee. He commented on the amount of funding from the federal government including from the American Rescue Plan Act (ARPA) and the Coronavirus Aid, Relief and Economic Security (CARES) Act due to advocacy at the national level. The committee would next meet on March 15, 2026 in Washington D.C. and he planned to be in attendance.

Mayor Pro Tem Murphy also reported he attended the last day of Pinole Library before its closure for renovations and he would continue to work with regional partners and stakeholders for access for library services. During the closure, the closest libraries were located in the cities of Hercules and El Sobrante. He also attended the African-American Student Union Black History Month Jubilee at PVHS and highlighted the youth as the best and brightest of Pinole, and posted on social media about efforts to bring LaRussell a hip-hop artist in the Bay Area, to a community event at PVHS. In addition, he attended a Marin Clean Energy (MCE) Board of Directors meeting, at which time the Board moved forward with a proposal to reduce electricity generation rates and provide additional bill relief for customers.

Mayor Pro Tem Murphy explained that MCE customers would see a reduction in generation rates by 14 percent bringing them into parity with PG&E's generation rate, MCE would provide a temporary bill credit to offset recent increases and exit fees that PG&E had through December 31, 2026 and MCE Cares Credit had been expanded adding \$10 million to support monthly bill credits for \$20 to \$25 for income qualified households and small businesses. All changes would take effect April 1, 2026, once approved by the MCE Board.

Council member Sasai thanked the public commentators for taking the time to provide public comment, encouraged input on other agenda items and hoped to see the same passion for other important issues. He reported he attended a meeting of the West Contra Costa Transportation Commission (WCCTC), which approved bylaw amendments to allow for two alternate representatives on the Contra Costa Transportation Authority (CCTA) Board with Rebecca Saltzman, Mayor Pro Tem for the City of El Cerrito and a member of the BART Board having been unanimously appointed to CCTA; reviewed the Clipper 2.0 system and an overview of the I-80 San Pablo Dam Road Phase 2 Status Update, with both projects highlighted. With respect to I-80 San Pablo Dam Road Phase 2, he provided feedback to the WCCTC, that they were using flexible posts for the protected bicycle lanes. He had advocated for concrete raised curbs and concrete filled posts to create a physical barrier between cars and bicyclists and eventually pedestrians.

Council member Sasai added he attended the PVHS Black History Month Jubilee and expressed his appreciation to all student leaders for putting on an excellent event. He also announced the City had been awarded approximately \$300,000 through the Community Cleanup and Employment Pathway Grant Program, an initiative of the Clean California Program administered by Caltrans, for the purposes of supporting litter abatement and public space beautification while creating workforce development opportunities for individuals facing employment barriers. He thanked staff for their work applying for the grant and Caltrans staff he had spoken to two years ago about the grant. He appreciated Caltrans' partnership and guidance to make this opportunity happen and he looked forward to using the funds for litter abatement, preventative measures and beautifying the City. Additionally, he attended the LaRussell event at PVHS and was pleased to see how much joy the event brought to the students.

Council member Toms reported she attended the League of California Cities Legislative Platform, with four East Bay Area Senators in attendance, who spoke about their legislative interests with topics ranging from housing, wildland fire, safety issues, homelessness and the state budget; attended the Stewart Elementary School Read Across America Program, the first week in March, where she read to students and spoke about the City Council; and served as an alternate for a number of committees. She too expressed concern when a meeting was canceled due to the lack of a quorum and reminded everyone if the delegate was unable to attend a meeting or unable to stay for the entire meeting, to reach out to the alternate for that committee.

D. Council Requests for Future Agenda Items

ACTION: Motion by Mayor Tave/Mayor Pro Tem Murphy for a discussion of Strategic Planning.

Vote: Passed 5-0

Ayes:	Tave, Murphy, Martinez-Rubin, Sasai, Toms
Noes:	None
Abstain:	None
Absent:	None

ACTION: Motion by Council members Sasai/Martinez-Rubin for a Council level presentation on Cultural Conservation Easements.

Vote:	Passed	5-0
	Ayes:	Tave, Murphy, Martinez-Rubin, Sasai, Toms
	Noes:	None
	Abstain:	None
	Absent:	None

E. City Manager Report / Department Staff

Acting City Manager/Police Chief Melissa Klawuhn reported the Communications Department successfully completed work to bring the City website into compliance with the Americans with Disabilities Act (ADA) web content accessibility guidelines, as required by the World Wide Web Consortium. Also, on February 26, 2026 pavement repairs had been conducted on Zoe and Ramey Court, compaction test and pavement repairs on the damaged sections of Pinon Avenue at Hutchinson Court, with the damage caused by a breakage in the water line during the shoring and replacement of the adjacent sewer line, and roof repairs began on the Public Safety Building this week to replace the aging roof from 1998, with the project funded through the Measure S, Growth Impact Fund and Public Facilities Fund as part of the Citywide Roof Repair and Replacement Program. There would be impacts to pedestrian and vehicular traffic along Tennent Avenue and Plum Street, and the public was asked to be careful in those areas.

The City had been awarded almost \$300,000 in grant funds from the Community Cleanup and Employment Pathway Grant Program, an initiative of the Clean California Program administered by Caltrans, with the City's project focused on site preparation for the first phase of Creekside Park, which would include removal of trash, debris, invasive plants, and installing some public improvements such as tri-stream receptacles, benches, picnic tables, information board, art and monument signs to be carried out by the Community Development and Public Works Departments, with project partners Friends of Pinole Creek Watershed, PVHS Earth Team, Civicorps, Pinole Creek Unhoused Stewards Cohort of Safe Organized Spaces Richmond and the Nations of Lisjan Tribes.

F. City Attorney Report

City Attorney Eric Casher reported for those who were interested in submitting an argument for or against the measure for an Elected Mayor, the arguments would be required to be submitted to the City Clerk's Office by 5:00 p.m. on March 18, 2026 and with any rebuttal arguments to be submitted to the City Clerk's Office by 5:00 p.m. on March 23, 2026. He also clarified based on some questions raised during public comment that the City Council approved a salary for the Elected Mayor to be consistent with the compensation for all Council members and the term of the Elected Mayor would also be consistent with that of other Council members.

Any additional questions about the ballot measure, could be directed to the City Clerk or the City Attorney's Office.

PUBLIC COMMENTS OPENED (Items 7A through 7F)

Deputy City Clerk Stone reported there were no comments from the public.

PUBLIC COMMENTS CLOSED

Council member Toms asked that Item 8(A)(5) be considered first. The remainder of the proclamations had been taken out of order from how they had been shown on the meeting agenda.

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Honoring Fire Chief Lewis Broschard Upon his Retirement

The City Council read into the record a proclamation honoring Contra Costa County Fire Protection District (CCCFPD) Fire Chief Lewis Broschard upon his retirement.

CCCFPD Fire Chief Broschard recognized the City Council, City staff and members of the CCCFPD present in the Council Chambers. He also recognized the partnership and motivated professionals who sought daily to make things better. CCCFPD was close to the three-year anniversary of serving Pinole citizens directly. He stated the partnership was working and he appreciated the trust the City and residents had placed in him and in the CCCFPD. He described the CCCFPD as a team sport, with no one working alone and which carried through in everything everyone did. He was pleased to be a part of making change in Contra Costa County and the City of Pinole and he looked forward to more years of the CCCFPD serving the City of Pinole.

The City Council wished CCCFPD Fire Chief Broschard well on his retirement, and recognized his leadership, collaboration efforts since 2016, appreciated his work in transitioning his position to the new Fire Chief and recognized he had been an asset Countywide.

2. Prescription Drug Awareness Month

The City Council read into the record a proclamation recognizing the month of March as Prescription Drug Awareness Month.

3. Multiple Myeloma Awareness Month

The City Council read into the record a proclamation recognizing the month of March as Multiple Myeloma Awareness Month.

4. Developmental Disabilities Awareness Month

The City Council read into the record a proclamation recognizing the month of March as Developmental Disabilities Awareness Month, with the proclamation to be presented to VistAbility's George Miller Center, which served many Pinole residents in the nursery, after school and adult programs.

5. American Red Cross Month

The City Council read into the record a proclamation recognizing the month of March as American Red Cross Month.

PUBLIC COMMENTS OPENED

Deputy City Clerk Stone reported there were no comments from the public.

PUBLIC COMMENTS CLOSED

B. Presentations

1. Restrictions on Oversized Vehicles on San Pablo Avenue

City Attorney Casher provided a PowerPoint presentation with an Overview of Regulations Related to Oversized Vehicles on San Pablo Avenue, which presentation included the background of San Pablo Avenue; average daily volume of 318 medium and heavy-duty trucks on San Pablo Avenue in 2023, based on the most recent data available to the City; restrictions of use under local law; a map of the City of Pinole Truck Route; regional routes; restrictions of use under state law; relevant case law and with the City Council asked to consider the following:

- If the City Council were to move forward to establish restrictions on oversized vehicles, a substantial record of findings would need to be prepared to establish the safety concerns and danger presented.
- Alternate routes would need to be established by ordinance as designated truck routes for oversized vehicles traveling through Pinole.
- As an alternative to restricting truck traffic, staff could work to identify the source of the trucks causing complaints and attempt to work with the company or operator on a solution.

City Attorney Casher welcomed direction from the City Council on any next steps.

Responding to questions from the City Council, City Attorney Casher clarified the following:

- The restrictions of use under local and state laws. Staff also reported current projects on San Pablo Avenue included the bridge renovation and plans for Complete Streets, and any direction from the City Council would have to marry with what Caltrans hoped to achieve regionally. (Sasai)
- If the City Council were to move forward to establish restrictions on oversized vehicles, a substantial record of findings would need to be prepared to establish the safety concerns

and danger presented. Findings would often involve traffic studies for the area. As an example, if there was a high rate of accidents that involved oversized vehicles, that would be the type of facts that would support placing restrictions on such vehicles in the area. Traffic studies were usually done by a consultant, not City staff. (Sasai)

- Staff had not reached out to heavy duty truck operators to see if there would be interest in changing the truck routes nor was staff aware who those truck operators were. Staff had a conversation with a resident who had expressed concern about vehicles coming through in the middle of the night, and it would be interesting to understand why trucks were traveling about at 3:00 a.m., as an example. (Sasai)
- Acknowledged concern with the volume of oversized vehicles and the cumulative impacts on City streets. Acknowledged a recommendation for staff to contact certain operators to learn whether they had any solutions. Acknowledged concern circumstances had changed since the adoption of the City's truck route ordinance in 1988, with varying sizes of trucks traveling the City's roads. (Martinez-Rubin)
- Acknowledged concern the roadway may not be designed for oversized vehicles, with staff again clarifying the restrictions of use under state law, with the geometrics looking at the type of road that must be able to support specific sized vehicles. (Mayor Tave)

PUBLIC COMMENTS OPENED

Anthony Vossbrink commented the City Council had not addressed the ongoing issue of oversized trucks, such as 38 to 48-foot trailers parked on City streets overnight and he offered numerous examples throughout the community where the parked vehicles obstructed views and posed a possible safety and health hazard. While some of the areas had No Parking signs, no enforcement was being done. He asked that the issue be addressed as part of the discussion.

PUBLIC COMMENTS CLOSED

Council member Martinez-Rubin recognized the ordinance had been adopted in 1988 and since that time there had been changes in the volume and types of trucks on City streets. She suggested it would be worthwhile for City staff to take a look at possible solutions including contacting the companies the trucks belonged to, with some expected to be from local companies. She had a conversation with a small business located on San Pablo Avenue which had seen trucks travel at dawn on the way to State Route 4 or I-80 from San Pablo Avenue. She expressed concern with the noise impacts, possible health-related effects due to the presence of heavy trucks and the cumulative effects of the trucks, in combination, impacting the quality of life. She asked that staff take a look at that very component of life in Pinole and how that was defined. If strictly looking at the business impacts, she foresaw that the solutions would be limited since the economy would be favored; but she was also interested in the effects of living on a very busy street that had been designated as an arterial by the county. She also recognized the impacts from current driving practices, including speeding and the delivery of services, which although had favorable economic impacts there were negative impacts as well such as impacting residents' sleep. She anticipated different points could be made about taking into consideration the effects of the trucks on very busy roads where residents were situated on both sides of it.

Council member Sasai again clarified the considerations as outlined and asked if there was a staff recommendation.

City Attorney Casher had no staff recommendation and was open to direction from the City Council. He suggested it made sense to contact some of the commercial operators to understand who they were, when they were using San Pablo Avenue, and in particular those operating through the late-night hours, which would be helpful. If there was interest, the City could also consider a consultant to study the costs associated with updates to the Zoning Ordinance, which had not been updated since 1988. A consultant could recommend, for instance, the use of other routes that could be more environmentally friendly or time restrictions. Staff could provide some costs associated with that and what that may look like.

Council member Sasai explained he had brought up the issue a few years ago, and brought it up again in response to a petition that had been submitted, which expressed dissatisfaction with oversized vehicles. He thanked the City Attorney for laying out the feedback he received from residents, and acknowledged the concerns with noise, and residents of Old Town having reported their homes physically shaking at odd hours. Road quality was also an issue, with heavy vehicles traveling on the road daily making the road quality worse. Safety was another issue residents had expressed concern given the senior and veterans housing and a school along San Pablo Avenue, with the oversized vehicles threatening the safety of those who lived and worked along San Pablo Avenue. He emphasized the importance of acknowledging the issues.

Council member Sasai offered a motion, seconded by Council member Martinez-Rubin, to direct staff to identify and engage companies operating oversized vehicles along the current truck route to solicit feedback regarding their willingness and capacity to adjust their routes and to report back to the City Council with a summary of findings and recommendations for further consideration and direction.

On the motion, Council member Toms asked about weight limits in that there was background on the different classes of trucks and their weight limits. She would like to see examples of areas in the City where weight limits could be imposed, which would be helpful.

Mayor Pro Tem Murphy supported the motion, as is. He again clarified the regional routes and the need for coordination with other agencies, and wanted to ensure staff was prepared to communicate with the cities of Hercules and San Pablo. He would like to hear if those jurisdictions were dealing with similar issues and if a coordinated approach could be considered.

ACTION: Motion by Council members Sasai/Martinez-Rubin to direct staff to identify and engage companies operating oversized vehicles along the current truck route to solicit feedback regarding their willingness and capacity to adjust their routes and to report back to the City Council, with a summary of findings and recommendations for further consideration and direction.

Vote:	Passed	5-0
	Ayes:	Tave, Murphy, Martinez-Rubin, Sasai, Toms
	Noes:	None
	Abstain:	None
	Absent:	None

9. CONSENT CALENDAR

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

- A. Approve the Minutes of the Regular City Council Meeting on February 3, 2026 and February 17, 2026.
- B. Receive the February 14, 2026 – February 27, 2026 List of Warrants in the Amount of \$676,045.93 and the February 27, 2026 Payroll in the Amount of \$552,811.23.
- C. Receive and File Annual Progress Report on Housing Element Implementation. **Action: Receive Report (David Hanham, Justin Shiu)**
- D. Receive and File Housing Successor Annual Report for FY 2024/25. **Action: Receive and File the Housing Successor Agency Annual Report for Fiscal Year 2024/25 (Lilly Whalen)**
- E. FY 2026/27 Financial and Investment Policies. **Action: Adopt Resolution per Staff Recommendation (Markisha Guillory)**
- F. Second Reading of an Ordinance Amending Section 2.12.010 to Modify the Start Time of Regularly Scheduled City Council Meetings. **Action: Waive Second Reading and Adopt an Ordinance Amending Section 2.12.010 to Modify the Start Time pf Regularly Scheduled City Council Meetings. (Eric Casher)**

PUBLIC COMMENTS OPENED

Deputy City Clerk Stone reported there were no comments from the public.

PUBLIC COMMENTS CLOSED

As to Item 9F, Council member Sasai thanked the Mayor for introducing the item. Having commuted from Sacramento to the meeting, he did not arrive until 5:30 p.m. The ordinance would help make access and participation more equitable for City Council members who were working people and other participants unable to reach the meeting in time to make public comment.

ACTION: Motion by Council members Sasai/Toms to approve Consent Calendar Items 9A through 9F, as shown.

Vote:	Passed	5-0
	Ayes:	Tave, Murphy, Martinez-Rubin, Sasai, Toms
	Noes:	None
	Abstain:	None
	Absent:	None

10. PUBLIC HEARINGS

- A. Residential Health and Safety Rental Inspection Program: Housing Fellow Update: Amend Administrative Regulations, Authorize 1.0 FTE Housing Inspector, and Adopt new Cost-Recovery Fees. **Action: Adopt Resolutions per Staff Recommendation (Lilly Whalen, Jared Murti, Housing Fellow)**

Jared Murti, Housing Fellow, Partnership for the Bay's Future, provided a PowerPoint presentation titled Residential Health and Safety Rental Inspection Program Update, which included an overview of the program goals; progress so far in enrollment and inspections, data analytics and stakeholder engagement; suspected rental properties without a business license; inventory data points; stakeholder engagement for inspection reform and inventory program; program modifications in terms of the affordable housing inspection exemption; Residential Health and Safety Inspector and fee schedule update/early enrollment exemption and 2025/26 and 2026/27 timelines.

A quick demonstration was provided on the City of Pinole Enrollment Form for Rental Inventory.

Responding to questions from the City Council, Community Development Director Lilly Whalen and Mr. Murti clarified the following:

- In terms of the inventory program, the plan was to have a dedicated person with staff office hours once a week at least to provide a face to the assistance, with the provider also offering over-the-phone assistance. The information for the inventory program would be provided by the property owner. Whether the tenant may view the information to ensure accuracy would be part of the public facing side of the program, with the information intended to be accessible. Staff could also explore a tier system where a resident would be asked to prove they were the resident before they had access to information. The inspection reports could also be extended to the annual enrollment forms through the residents upon their completion. (Toms)
- Restricted units would be monitored by the funder and where possible the Affordable Housing Developments would share inspection reports through their own self-inspections or through the regulating agencies. There could be some confidentiality limitations. As an example, the Housing Authority would verify whether a unit was actively enrolled within their program, and they would not share the actual inspection reports but would inspect the unit annually for compliance. (Toms)
- If the City Council adopted the staff recommendation to adopt the new cost recovery fees, that would fully recover the cost of the program including the Inspector's salary and benefits, City overhead and the cost of the software platform, with no impact to the General Fund, as outlined in the March 3, 2026 staff report. (Martinez-Rubin)
- The City currently had a fee for the inspection of units and staff proposed to take that fee and break it into thirds so that the property owner per unit paid an annual fee equal to one third of the cost of the triennial inspection. (Martinez-Rubin)

- Staff ran all of the numbers on an annual basis for the full cost of the program (inspector salary, benefits and overhead and cost of the software on an annual basis) and derived the fee necessary per unit, in an annual basis to support the program while the inspection occurred triennially, which was fully cost recovered. (Martinez-Rubin)
- Staff anticipated some rentals would go off-line and some would come online and staff would conduct an evaluation of the program in year three to ensure a full recovery of fees, continue to monitor the fees coming in to support the program, and bring back to the City Council any fee adjustments necessary to support the program. Staff recognized the intent the program be fully cost recoverable with no drain on the General Fund. (Martinez-Rubin)
- Acknowledged appreciation for the Program Goals and collection of data around sustainability. (Mayor Pro Tem Murphy)
- Reference to MSA in the PowerPoint presentation related to Suspected Rental Properties without business licenses, referred to the “greater area of the nine Bay Area neighboring counties” and to the Metropolitan Statistical Area. (Mayor Pro Tem Murphy)
- The 2025/26 Timeline was again clarified as well as Assembly Bill (AB) 628, Hiring of real property; dwellings: untenability; and any other new laws would have to be researched by staff as to whether there would be any impacts to the administration of the program. (Mayor Pro Tem Murphy)

PUBLIC HEARING OPENED

Rafael Menis commented on the chart comparing the various affordable housing programs and what percentage of inspections needed to be done on the programs as contained in Attachment E to the March 3, 2026 staff report. The bottom line for naturally occurring affordable housing units that were affordable but not by deed restriction or other reason, had shown no annual inspections and he assumed that meant none by a party other than the City. Regarding the second column for the triangular GE inspections, he asked if the percentage was from zero to 100 percent of how much was exempt of the number of inspections that needed to be performed. As to the core concept of the affordable housing exemption, he understood the intent of saying some agencies had such stringent standards there was no need to worry about them as much but at the same time, historically speaking, public agencies had in the past failed to enforce their own standards.

As examples, the Cabrini Green HUD development in Chicago, Illinois or some sites in the City of Richmond, where Mr. Menis understood there were major issues related to HUD oversights of publicly owned housing in Richmond in 2018 or 2019, pre-COVID. He also understood there were documentation requirements, but at the federal level at least, he was concerned there may be things like falsification of documentation provided to the cities because there was not enough staff, particularly after the Department of Government Efficiency (DOGE) cuts to HUD. He asked about the verification of the provided documentation the City had to ensure affordability. As to the inspection cadence, he understood historically it was once every three years, but if an issue occurred within the three-year time period, he asked whether a tenant or owner could ask for an additional inspection or whether it was one and done.

PUBLIC HEARING CLOSED

Council member Martinez-Rubin asked staff to respond to the public comment.

Mr. Murti explained if something happened after the inspection and in instances where there may be some concern around the public agency's ability to keep up, the City had complaint-based inspections that operated separately from the triennial inspections, and if tenants had complaints they were able to take those complaints up with the City. As part of sending out reports to residences, information could be included as to how to address issues with respect to accessibility to that information. As to the affordable housing exemption, the most that would be exempted would be 80 percent of the units, so at least 20 percent of the units would be inspected. The degree of inspection would be based on the information provided, history of complaints and it would ultimately be at the Building Official/Inspector's discretion to correct any violations and look into it more thoroughly, with staff to be aware of that history and provide avenues for residents to make habitability complaints with the City.

Community Development Director Whalen noted that if the City Council was interested in increasing the frequency of inspections beyond what had been proposed for the affordable housing exemption, the City had received a significant number of requests from affordable housing managers that the fee for the inspections was untenable and they had asked for waivers of that fee. She asked the City Council to keep in mind that if the number of inspections were to increase for the affordable housing developments, beyond what had been proposed, there could be a General Fund subsidy required if a waiver was offered to those providers.

Council member Martinez-Rubin suggested it was a matter of monitoring and the City Council determining compliance over time and seeing the conditions of the homes that were part of the reporting program.

Community Development Director Whalen commented that the City could report on a yearly basis and that could be something to include in the adopted resolution if the City Council so desired and the Community Development Department would come back with an annual report, which would allow close monitoring of the progress of the program.

ACTION: Motion by Mayor Pro Tem Murphy/Council member Martinez-Rubin to adopt a Resolution amending Administrative Regulations necessary to successfully update the Program promulgated by the Building Official; adopt a Resolution authorizing the addition of 1.0 FTE Residential Health and Safety Inspector to manage the Program and conduct inspections of substandard housing pursuant to Assembly Bill 548 and Senate Bill 1415 and adopt a Resolution amending the Master Fee Schedule to ensure the inspection program, as administered by the full-time Residential Health and Safety Inspector, is fully cost-recoverable and direct staff to provide an annual report of the progress of these resolutions.

Vote:	Passed	5-0
	Ayes:	Tave, Murphy, Martinez-Rubin, Sasai, Toms
	Noes:	None
	Abstain:	None
	Absent:	None

- B. Waive the First Reading and Introduce a Zoning Code and Specific Plan Amendment to Prohibit New Service Stations, Establish Regulations for Existing Legal Nonconforming Service Stations, and Establish Regulations for Alternative Fuel Stations. **Action: Waive the First Reading and Introduce Zoning Code (Pinole Municipal Code Chapter 17) and Specific Plan Amendments (David Hanham, Justin Shiu)**

Planning Manager David Hanham and Associate Planner Justin Shiu provided a PowerPoint presentation for the Service Station Zoning Code and Specific Plan Amendment, which included an overview of the background for the item; map of the zoning districts where service stations had been allowed with a Conditional Use Permit (CUP) (west of Apian Way); a map of the existing service stations in Pinole, with two on Pinole Valley Road, three on San Pablo Avenue, two on Appian Way and one on Fitzgerald Drive; highlighted the Zoning Code Amendments to Chapters 17.12, 17.20, 17.22 and 17.34 of the Pinole Municipal Code (PMC) and Specific Plan Amendments to Chapters 6 and 11; along with the findings for approval for the Zoning Code and Specific Plan. The project was exempt from the California Environmental Quality Act (CEQA) Guidelines Exemption pursuant to Sections 15061(b)(3), 15301 and 15308.

Associate Planner Shiu recommended the City Council waive the first reading and introduce an ordinance consisting of the PMC Amendments related to prohibition of new service stations, proposed regulations for existing nonconforming service stations and proposed regulations for alternative fuel stations and schedule a second read and adoption for March 17, 2026.

Mayor Tave thanked Planning staff for the extremely thorough presentation.

Responding to questions from the City Council, Community Development Director Whalen, Planning Manager Hanham and Associate Planner Shiu clarified the following:

- Pursuant to Section 17.34.030 (C)(2), which read: *Loss of Nonconforming Status for Service Stations, If the service station loses its nonconforming status, the property owner shall be responsible for the removal of all buildings, pumps, pump islands, signs, underground storage tanks, fences, walls, and all other structures and instruments related to the service station and shall return the property to substantially the condition it was in prior to the construction of the service station. The owner shall submit plans to the Community Development Department showing the proposed removal and obtain all required permits to complete the work. The owner shall complete the removal within six (6) months following the date the service station lost its nonconforming status, or as otherwise approved by the Community Development Director. Owners that do not complete the removal within required timeframes would be subject to code enforcement action,* in a scenario if an existing gas station owner desired to sell the gas station, and if the gas station continued to sell gas, that would be allowed as long as the station was for sale. If the property owner stopped selling gas and had the service station for sale, the six-month period would kick in and if gas was not sold during the six-month duration, the property owner would not be allowed to sell the property as a gas station to the next owner. As long as the use continued while the property was going through the sale, the station could be sold as a gas station. (Martinez-Rubin)

- In terms of cleanup, if a legal nonconforming use expired and cleanup was required, the property owner would have to go through the state process of removing underground tanks and pumps. (Martinez-Rubin)
- If a gas station was closed, the ordinance would prohibit another gas station to open in the same location. (Martinez-Rubin)
- As noted and pursuant to Section 17.34.030 (C)(2), after the six-month period, the property could no longer be a gas station assuming all of the uses ceased within the six-month period. Change of business would be allowed as long as the use continued to operate and the cessation of use did not extend beyond six months. In a scenario, if the owner had a death in the family and could not operate the service station, the ordinance did not include an exemption or time limit for such an occurrence, and in that case the business would cease to exist. (Mayor Tave)
- The background of the item was again clarified with the proposal consistent with City Council direction as part of the Climate Action and Adaption Plan (CAAP). The CAAP included a collection of different measures the City would take in order to reduce overall Greenhouse Gas (GHG) emissions within Pinole and in the broader area in general, and also was consistent with actions the City would take in response to climate change and resiliency actions, with all actions working together in the City's profile on how it would collectively reduce GHGs in the City. This item was one strategy to reduce overall GHG emissions, improve air quality and allow for continued greener uses in the community. (Mayor Pro Tem Murphy)
- There were eight existing service stations in Pinole for a population of about 19,000. Many of the owners of gas stations staff had contacted were happy with this proposal since it would prohibit more competition; although as service stations adapted or were closed, it may limit areas where there were gas stations within the community. As an example, if the Arco on Pinole Valley Road was no longer a legal nonconforming use, those patrons would have to patronize other existing gas stations in Pinole. In most cases, staff had seen existing gas stations were not going away, were still in operation and until electric vehicles (EV) and alternative vehicles came on-line, more service stations would be needed. Staff did not see a loss for the community at this point in time as a result of the ordinance, and while admittedly over the course of time it could happen, with EVs and the ability for the service stations to be used whether for EVs or hydrogen, the stations were in place to start that new revolution in terms of service stations. (Mayor Pro Tem Murphy)
- Alternative fuel had been defined broadly in the ordinance and could include EV charging stations, hydrogen fuel stations, biodiesel and biofuels and other renewable fuels. The state also allowed different types of fuels and EV charging stations and there was a streamlined permitting process with the state to allow the proliferation of the availability for EV charging stations and regulations for hydrogen stations as well. (Mayor Pro Tem Murphy)

- As part of the renewal of the Appian 80 property, an application for Pinole Square had included an expanded Safeway and a gas station component. The Planning Commission and the City Council at that time had approved amendments to the Specific Plan and the Zoning Ordinance to allow the gas station to be in existence; however, while the developer had been entitled, the new property owner allowed the entitlement to lapse. The property owner of the site had issued a press release that had been posted on the City website, indicating why they had moved away from the entitled project and indicated that was well before the City imposed the moratorium on gas stations and the two were not linked. Acknowledged a request for the notice to be sent to the City Council and posted by the City Manager in The Pulse. (Mayor Pro Tem Murphy)
- The entitlements for the Appian 80 property occurred in 2019/2020, and the three-year extension had expired in 2023. (Mayor Tave)
- Confirmed community surveys had been done on the proposed ordinance as part of the CAAP, which had been specifically identified as an outreach strategy, possibly in anticipation of a number of different comments about this topic. (Sasai)
- Acknowledged the community survey started in mid-December 2025, although the staff report for the item before the Planning Commission was already underway. Staff acknowledged a request that when a community survey was done, it should be completed before submission to the Planning Commission or City Council to ensure the incorporation of public comments, if necessary. (Toms)
- Acknowledged a request to consider a transfer of development rights for gas stations. As an example, if there was a proposal for the former Safeway site that wanted a gas station, possibly transfer those rights from another gas station without increasing the overall number of pumps and possibly if a gas station was not in the most ideal location it could be relocated. In such a scenario it may be possible to partner with the developer for another site, which would be within the spirit of the CAAP program to not increase the number of pumps overall. That would include the enactment of the ban on new service stations, maintain the community profile and possibly relocate pumps to where they could better serve the community. Staff confirmed such an option had not been considered as part of the ordinance since the intent was not to allow new service stations. The possibility of transferring development rights was not a part of the ordinance and had not come up as part of the proposal. It could be something that was workable if that was the direction of the City Council. Staff clarified in conversations with the owner of the Appian 80 property, staff learned the redevelopment of the site was not contingent on a gas station use at this point in time, although if the City Council wanted to incorporate an option of transference of rights into the ordinance staff could do that. (Toms)
- In the event of a possible scenario such as if the Arco on Pinole Valley Road wanted to move to Appian 80 and the development rights were transferred from Pinole Valley Road to Appian, everything at Pinole Valley Road would be removed and all new equipment would be installed at the new station, which in some cases could be more environmentally sensitive than the equipment brought out, all of which would be studied as part of any environmental review for a new station at Appian 80.

In that scenario, the number of pumps from the original gas station would be retained. A CEQA analysis would also be conducted if transferring the development rights from Pinole Valley Road to Appian Way, with the CEQA costs to be borne by the developer. (Martinez-Rubin)

PUBLIC HEARING OPENED

Maureen Brennan, speaking on behalf of the Sunflower Alliance, commented she was a resident of Rodeo but also a part of the City of Pinole since she shopped at the Farmer's Market most Saturdays and patronized local businesses. She admired the City Council decision three years ago to impose a moratorium on gas stations in the City. She also had quoted the actions of the City Council in Rodeo, where it had been under the threat of ten new gas pumps and a car wash, where that community already had twelve pumps less than a quarter mile away and another 24-pumps at the Safeway Center located in the City of Hercules, along with plenty of gas stations in the I-80 corridor. She commented that West County cities and towns along the I-80 corridor were already significantly overburdened with auto pollution emissions given the typical commute on I-80 from Emeryville to the Carquinez Bridge, which was a parking lot, with thousands of idling cars, making it unhealthy. Gas stations in general were nasty emitters of numerous chemicals, and tank trucks daily filling the stations leaked fumes, all cumulative and bad for health. She was pleased to see the City was well on its way to making this moratorium permanent and suggested there were plenty of gas stations to serve current and future needs.

Antonio Silva did not like the arbitrary regulations and did not like businesses being restricted. He commented one of the issues was the provision related to a gas station that shut down for six months and he asked what would happen after six months. He found that everyone was trying to push everyone out of gasoline and vehicles, and suggested the general trend would be more and more towards electric vehicles. While he was the owner of a Tesla which he liked it, he also had a pick-up truck he used to service his property in Pinole, which was gas powered like most vehicles. He pointed out that most City vehicles and fire trucks ran off of fossil fuels and he asked where they would get their fuel if the moratorium was permanently in place.

Mr. Silva emphasized gas stations were regulated by the state and federal governments and while he understood the zoning and environmental concerns, most would not want a commercial business in a residential neighborhood, which made sense; however, to impose all of those other regulations added uncertainty and expenses at a time when the cost of everything was increasing. Rather than force everyone into everything, he recommended the City consider allowing things to happen organically. He agreed that electric vehicles in a lot of ways were superior; he enjoyed his Tesla, but at the same time it could not happen all at once and the power grid needed to expand by at least 30 percent to allow everyone to convert to electric and the situation was currently at the breaking point.

Rafael Menis stated he made many comments on this topic in his role as a Planning Commissioner but would not repeat those comments and was speaking entirely as a private citizen. He would like to know how to access the letter from the owners of Appian 80 the Community Development Director had mentioned since he could not locate it anywhere on the City website. He recalled the Mayor Pro Tem protested heavily to the existence of a gas station on the Safeway site when he had been a member of the Planning Commission in 2018/19, and was surprised on some of his lines of questioning.

As to Council member Tom's point of the possibility of exchanging gas pump sites and creating a new site, effectively speaking, and transferring over some or all of the pumps to another site, Mr. Menis asked if that could be a partial transfer or would it be a full like-for-like transfer. As Council member Martinez-Rubin had noted there were additional environmental costs to installing new gas station infrastructure apart from a like-for-like transfer over individual site points. He suggested that transferring over allowed for the construction of new gas stations and undermined one of the major goals of the ordinance, to bar the creation of new service stations. In addition, as to the written comment by the Association of Concession Operators, he found the comment untimely, especially given the major attachment they had linked to the comment included data between 2021 through 2023, and if they wanted that information to be available to the City it should have been sent to the Planning Commission, if not, included as part of the original moratorium.

Anthony Vossbrink echoed the comments made by Mr. Menis about the information the Community Development Director provided about the property owner of the Appian 80 Shopping Center. That information should have been made readily available to the public and the public provided a recap of what the letter had stated. He asked that a recap of the letter be provided to the public to deter some of the rumors about the property. He also asked about the amount of sales taxes the City received in gas taxes or lost when a gas station was closed. He expressed concern with what the City was considering to replace that lost revenue, such as allowing cannabis sales. He liked the recommendation that the existing gas stations be allowed to open up with EV and hydrogen options, with the Safeway on Appian Way able to accommodate a number of EV charging stations. He also asked for an update on what other opportunities the City was considering to reduce carbon emissions, noting the number of traffic lights up and down Pinole Valley Road and at the I-80 on- and off-ramps.

Acting City Manager/Police Chief Klawuhn reported the press release from the property owners of Appian 80 was located on the City website main webpage under Latest News, with an option to view all news. The item was from February 2025, with latest news able to be searched by month and year, and with the press release titled, City Exploring Future Grocery Store Opportunities at Appian 80, and at the bottom was a link to the press release. After the meeting, and in response to the public concerns, that information would be made more easily accessible on the City website.

PUBLIC HEARING CLOSED

Council member Sasai thanked the public for their comments on this item. He had an EV; it was not superior technology yet to gas vehicles since there was room for technological advancement and he also owned a gasoline powered vehicle and did not want to eradicate gasoline entirely. He recognized the number of statements around a gas station desert in Pinole, which was untrue, and he identified the number of existing gas stations as one drove into Pinole, along Appian Way, San Pablo Avenue, Pinole Valley Road and Fitzgerald Drive and suggested there was nowhere in the City where one could essentially run out of gas.

Council member Sasai clarified this local law would only impact future potential gas stations and not existing gas stations, with no actual loss of revenue, but a loss of potential revenue. He thanked Council member Toms for the thought about transferring development rights, a creative

way to look at the ordinance, but his intention when he had introduced the ordinance was to limit and gradually phase out the use of fossil fuels.

By phasing out the use of fossil fuels, Council member Sasai stated that would help safeguard public health for the most vulnerable and sensitive populations of the City and future generations, which was how he would like to see the issue framed.

Council member Sasai added while not in the staff report, in 2021, a peer review study had been published in the International Journal of Environmental Research and Public Health, which found that benzene emissions from gas stations and where stations were clustered together, significantly increased the estimated lifetime cancer risks for people living and working nearby. Benzene was a well-known human carcinogen linked to leukemia and numerous blood cancers, and the study found that cancer risks increased substantially when multiple gas stations operated in close proximity. Adding another gas station across from an existing gas station compounded exposure.

Council member Sasai was concerned with the possibility of developing another gas station at the Appian 80 site for the reasons having to do with the proximity of Pinole Middle School, with the straight-line distance from Pinole Middle School and the Chevron Gas Station approximately 230-feet. If there was a new gas station in Appian 80, the straight-line distance would be approximately 440-feet. The California Air Resource Board recommended that sensitive land uses such as schools, daycares, and residences should not be located within 300-feet of a large gas station, with many cities having imposed setback requirements of 500-feet. He pointed out the new senior housing had a gas station located across from it. Given those concerns, he appreciated the City Council's support for making the moratorium permanent.

Council member Toms explained she had taken into consideration all of the aspects, had noted that the survey included 33 for and 78 against the ordinance, and one of the pieces that spoke to her was the market demand and natural evolution of moving away from gas stations. She found that was an important piece. She commented the gas station near the senior housing was the gas station she was thinking about when considering transferring rights, in that if there was another site that could attract another development where a gas station was part of it, she wanted to ensure the City was flexible enough to offer options. She asked the City Council to consider the possibility of a transfer of development rights in some of those cases. She also noted transfer of development rights would retain the amount of the gas and sales taxes the City received since the City Council needed to consider the long-term replacement of sales taxes lost when stations closed with other revenue to replace them.

Council member Toms thanked staff and the Planning Commission for really taking a careful look at the ability of existing gas stations to remodel convenience stores or other uses, and noted the evolution of the ordinance in that area had improved quite a bit from when the moratorium had initially been considered.

Council member Martinez-Rubin recognized the current period of time when a number of different changes were occurring in different markets, such as the types of fuels that would evolve to operate changing means of transportation with several decades before the market dictated to a great extent how many gas stations or alternative fuel stations would be in any city or the state. Halting the proliferation of toxic underground storage tanks, as well as exposure of carcinogenic fumes affecting residents was of great importance to her.

As a public health practitioner, Council member Martinez-Rubin recognized the importance of environmental health, not only for the most vulnerable but all around, and given where they lived geographically on each side of a major interstate/highway that bisected the City and exposed residents to all kinds of environmental toxins, that alone was sufficient reason for her to support the ordinance to ensure they were doing something to prevent further exposure to toxins.

Council member Martinez-Rubin commented she was already exposed to the impacts from driving, and for those in a comparable position relying on transportation and existing fuel sources, she wanted to gradually see changes in the environment that favored the environmental conditions to allow people to live longer and be less exposed to what could be controlled, and the ordinance allowed for that.

Mayor Pro Tem Murphy thanked staff for the presentation and clarification how to locate the press release related to the Appian 80 property. He recognized the challenges from the transition from fossil fuels. He again asked that the press release be posted in The Pulse and be updated on the City website. He also thanked the Community Development Department for the survey since he found the questions very important and suggested the state should ask the same questions of the entire electorate. What spoke to him the most was the question that 64 percent of the 146 respondents stated they were very or somewhat concerned about GHGs related to transportation, and that indicated to him the CAAP was in line with those responses.

Mayor Pro Tem Murphy was also challenged and intrigued with how people were timely with getting their gas in Pinole, with most able to access gas timely and the City's rate of prices was about the same as other cities. While intrigued, he had more questions, and again thanked staff for the work on the survey which started the conversation. He was also excited about the ordinance, which offered regulations about prohibiting new gas stations and set a new path for alternative fuels, such as the use of hydrogen. He commented on the number of conferences he had attended about alternative fuels and spoke to advancements being made in the county and across the country about the use of alternative fuels.

Mayor Pro Tem Murphy was also excited to ensure the public was safe and healthy and allowed the public to engage in conversations around what GHG reduction looked like in terms of economic growth and development around alternative fuels. He clarified when the idea of a gas station had been proposed in 2018 for Appian 80 when he been a member of the Planning Commission, he had been opposed given the environmental health issues and since gas infrastructure was known to be dangerous and there had been instances in the state and across the nation that had impacted residents visibly, and it also had invisible dangers and impacts to air quality. He was also intrigued with the fact that 67 percent of the respondents of the survey were concerned with transportation and were interested in new forms of transportation and fuels. He would like to know how staff saw the work and public engagement continuing behind the establishment of the ordinance. He supported the ordinance and the new regulations.

Mayor Pro Tem Murphy also suggested there was an important conversation happening between small business owners who were service station owners and larger corporations, and not saying whether one or the other was better, there were small business owners servicing gas stations in the City for awhile and he found they were uplifting them in conversations and while great to bring

in big box stores, this issue, was also uplifting the small businesses, with gas stations also small businesses which was important to remember as well.

Mayor Pro Tem Murphy hoped the City Council would agree to move the ordinance forward which was in-line with the CAAP. He looked forward to the day when Pinole could bring a green hydrogen station to the community and noted that Chevron had built one in Southern California.

Planning Manager Hanham advised Associate Planner Shiu had done the heavy lifting for the ordinance with the research, had worked with staff on the survey and had assisted in interviewing the gas station owners.

Mayor Tave also appreciated the work provided by staff. He stated the City was very lucky to have the staff it had to do the work. He looked forward to what the ordinance would bring and open the door to the possibility of doing something different with alternative fuels. He too looked forward to fuel diversity and options for residents.

Council member Sasai offered a motion, seconded by Council member Martinez-Rubin to move the staff recommendation.

On the motion, Council member Toms asked whether there was any interest for the maker of the motion and second to have staff take a look at some language that would allow a transfer of development rights.

Mayor Pro Tem Murphy was not interested in that and found the staff recommendation was in line with the CAAP. He did not want to see new development since a transfer of rights could result in the possibility of new fossil fuel infrastructure elsewhere.

Council member Toms clarified it would be newer infrastructure that was consistent with the current codes, in cleaning up older infrastructure, and it would expand but be a one-for-one replacement. For instance, if there was a gas station next to senior housing that was not the most ideal site, but if a developer finds that there was a better site, it was an option and would not increase the number of pumps.

Mayor Pro Tem Murphy understood more pumps would not be created by the expansion of the infrastructure if it were to move from Point A to Point B, and that infrastructure would then be developed in the City, which Council member Toms confirmed, but clarified Point B would be under newer codes and Point A would be subject to cleanup.

Council member Sasai appreciated the attempt to be flexible but his intention was clear, for the eventual phasing out of fossil fuels in the City to protect the public health of residents. He suggested the transfer of development rights from one location to another in the type of scenario Council member Toms described was a concern since the City also had an agenda for prohousing and to increase the housing stock.

Council member Sasai was open to staff developing a policy memo so that he was aware more of what was being outlined and there could also be a sense of the Council individually. If there was an interest for a Council member to request a future agenda item to amend that, he would be open to that future conversation with the consensus of the City Council. He was happy to amend the motion to include that.

Council member Toms asked the City Attorney whether there was some language that could be incorporated into the ordinance. An agreement for transfer of development rights would not be by-right but be subject to CEQA review and the review of the entitlements.

City Attorney Casher deferred to planning staff since staff would need to workshop that and figure out language to make that work. There was some time sensitivity since the existing ordinance would expire at the end of March, and if adding language, it may be a significant change where the item might need to be brought back for a second first read and the second read would not be until April. If that was something the City Council was interested in doing, the idea of bringing it back for further discussion would be a good idea.

Planning Manager Hanham explained it would have an effect on the legal nonconforming use sections and they would probably have to go back to look at where they could locate service stations since presently the regulations had been amended where new service stations were not allowed anywhere in the City, and staff would have to take a look at some provisions or a note in the Specific Plan and Zoning Ordinance if there was a transfer of development rights. He would like a chance to think about it.

Mayor Tave noted the deadline of March 22, 2026, and the need for the first and second reading of the ordinance, and as Council member Sasai recommended a policy could be brought back from staff for City Council consideration. He recognized the staff time required to flush out the possibility and come back to the City Council and also be sensitive to the original intent of the ordinance and what was the City doing to encourage other fuels current with the code as well as development coming in to explore that as well. Possibly, the new provision could be considered as a future agenda item.

Community Development Director Whalen suggested direction to the City Council to move forward with the ordinance and then separately direct staff to bring back some policy options in-line with the discussion for consideration at a future date.

As to whether the policy component should be part of the motion, City Attorney Casher suggested the direction was pretty clear and they could move on the first read at this time.

Council member Sasai restated the original motion to move the staff recommendation. As to the language Council member Toms requested, he asked that be sent to the City Council in the form of a memorandum rather than a future discussion to be agendized, to allow time to review the information and educate themselves.

Council member Martinez-Rubin suggested a memorandum workshopping was useful and that would be open to the public.

City Attorney Casher commented the memorandum proposal would be sent to the City Council for review, and then there could be a request for a future agenda item and it would come back ultimately for a public discussion if there was interest in having that discussion.

Mayor Tave suggested they could consider a future agenda item at the March 17, 2026 City Council meeting if the memorandum was provided and would allow time to digest what was being discussed.

Mayor Tave advised there was consensus for the memorandum as recommended by Council member Sasai.

ACTION: Motion by Council members Sasai/Martinez-Rubin to waive the first reading and introduce an ordinance consisting of the Municipal Code Amendments related to prohibition of new service stations, proposed regulations for existing legal nonconforming service stations, and proposed regulations for alternative fuel stations, and schedule a second read and adoption for March 17, 2026.

Vote:	Passed	5-0
	Ayes:	Tave, Murphy, Martinez-Rubin, Sasai, Toms
	Noes:	None
	Abstain:	None
	Absent:	None

11. OLD BUSINESS: None

12. NEW BUSINESS: None

13. CITIZENS TO BE HEARD (Continued from Item 6) (Public Comments)

Only open to members of the public who did not speak under the first Citizens to be Heard, Agenda Item 6.

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

Rafael Menis reported on the overall rates of COVID-19 and influenza in the state and around the City of Pinole, with rates of COVID about the same as reported previously with data through February 17, 2026. Influenza had a sharp drop-off after February 1, 2026, the results were not final and he continued to encourage people to get vaccinated and take precautions in crowded indoor areas. He also spoke to the country's current war in Iran, and while he recognized in the past he had expressed his opposition to the current Iranian regime, he stated the way that President Trump and the Executive Branch more broadly had gone about the conduct of the war had been reckless and unconstitutional.

Numerous news articles had stated the government did not have a set goal for what it wanted to achieve in the war, with numerous intents having been stated, but no plan and with something so major as going to war with a country with the military capabilities that Iran still had, the country should not be doing this recklessly and without Congress doing its Constitutional job of approving war and peace.

Anthony Vossbrink echoed most of the comments made by the public speakers in the first public comment period. He too asked that the City Council not consider a ballot measure for an Elected Mayor.

Mr. Vossbrink also found the comments read into the record had touched all bases why the City should not have an Elected Mayor. He suggested if it was not broken, let's not fix it. He also found there was a disconnect between the Mayor, City Council and City staff with regards to doing their due diligence in offering the best governance the community deserved. In addition, he asked about the status of the Contra Costa Flood Control District's plans to shore up a major breach behind the Sprouts Center parking lot, which could be further impacted if there was a major rain storm. He understood part of the creek was to be dredged and a brick retaining wall built with the area to be backfilled. Further, he asked about the status of parking lot lights in the front of Bay Front Park, suggested light-emitting diodes (LEDs) should be considered, would be low cost and were needed for public safety and asked about the status of Caltrans' repair of the lights over I-80, which had needed repair for the past two years and better signage that was clearly visible.

14. ADJOURN to the Regular City Council Meeting of March 17, 2026 in Remembrance of Amber Swartz.

At 10:09 p.m., Mayor Tave adjourned to a Regular City Council Meeting on March 17, 2026 in Remembrance of Amber Swartz.

Submitted by:



Heather Bell-Spears CMC
City Clerk

Approved by City Council: March 17, 2026

