

**CITY COUNCIL MEETING
MINUTES
July 16, 2024**

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 Toms called the Regular Meeting of the City Council to order at 5:01 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

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

B. STAFF PRESENT

Neil Gang, Interim City Manager/Police Chief
Heather Bell, City Clerk
Eric Casher, City Attorney
Markisha Guillory, Finance Director
Sanjay Mishra, Public Works Director
Stacy Shell, Human Resources Director
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on July 11, 2024 at 4:30 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 on the City website and made available to the public.

City Clerk Bell also reported Item B2, presentation of New Online Permitting and Licensing System, would be deferred by staff to a future meeting in August or September.

Mayor Toms reported Item 10A, a public hearing to Review and Adopt Sewer Rates for 2024/25 – 2028/29 would be heard earlier than shown on the meeting agenda, with the consultant anticipated to be available by 5:30 p.m. and after the completion of the Closed Session.

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

4. CONVENE TO A CLOSED SESSION: None

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

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Gov. Code § 54956.9(d)(2)

Number of potential cases: 1

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

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

At 5:36 p.m., Mayor Toms reconvened the meeting into open session. There was no reportable action from the Closed Session.

Mayor Toms reported the meeting agenda would be modified with the City Council to consider Item 8. Proclamations, No. 3 prior to continuing on to Item 10A.

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Recognition of Community Development Department Intern, Luke Shalz

The City Council read into the record a proclamation recognizing Community Development Department Intern, Luke Shalz.

PUBLIC COMMENTS OPENED

Marie Bowles-Shalz, identified herself as Luke Shalz's mother. She thanked the City Council for the opportunity for her son to serve as an intern, which had been an invaluable experience and which program she hoped the City would continue to provide.

PUBLIC COMMENTS CLOSED

The City Council moved on to Item 10A.

10. PUBLIC HEARINGS

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

A. Review and Adopt Sewer Rates for 2024/25-2028/29. **Action: Conduct Public Hearing and Adopt Resolution per Staff Recommendation (Sanjay Mishra)**

Mayor Toms detailed the public hearing process for the members of the audience.

Public Works Director Sanjay Mishra introduced Chris Fisher, Vice President, Willdan Financial Services, who provided an extensive PowerPoint presentation on the City of Pinole Sewer Rate Study Public Hearing, which included information that had been previously presented to the City Council in May 2024. He highlighted the rate study goals and objectives; factors driving the financial plan; methodology and projections; status quo projections; list of sewer projects in the Capital Improvement Program (CIP) in the projection period; 5-Year Financial Plan; 5-Year Annual Rate Path; 5-Year Annual Bill Path; Annual Neighboring Utility Comparison; revenue adjustments and adjusted financial metrics.

Mr. Fisher explained that the City Council held its first meeting pursuant to Proposition 218 on May 21, 2024, at which time the public hearing date of July 16, 2024 had been set. Proposition 218 notices had been mailed on May 29, 2024 and a workshop/Town Hall held on July 2, 2024. The City Council was asked to conduct the public hearing, receive testimony and tabulate any written protests. It was reported that over 3,200 written protests would be required for the City Council to stop the proceedings.

The City Council was asked to have a Council discussion, consider the sewer rates, and adopt and implement the utility rates to be placed on the Contra Costa County tax bill, to be shown on tax bills when mailed in the fall.

Public Works Director Mishra continued the PowerPoint presentation and walked through the Common Questions and Responses about the proposed sewer rates based on input from surveys and the July 2 public workshop/Town Hall. He also highlighted the assumptions for various options; Sanitary Sewer Master Plan; Sewer Projects in the 5-Year CIP 2024/25 – 2028/29; Rate Structure - to Cover O&M and Capital Projects and Other Options including:

- Option A – No Increase + \$27M CIP Projects
- Option A1 – No Increase + \$13M CIP
- Option B – 17.5 percent increase in 2025 + \$27M CIP
- Option B1 – 17.5 percent increase in 2025 + \$17M CIP
- Option C – 17.5 and 5 percent increase + \$20M CIP
- Option D – 8 percent increase + \$18M CIP and a comparison of the various options (Staff recommendation)

Responding to questions from the City Council, Public Works Director Mishra and Mr. Fisher clarified the following:

- Staff had not conducted an analysis of those residents who may not be able to afford the higher rates. Staff received a lot of protest letters that spoke to that concern but an analysis on how to handle that issue had not been done as yet and would be subject to City Council direction. Whether the City could provide any financial assistance to residents would have to be worked out with the Finance Director and City Manager to determine the demographics. Since there would be a new City Manager onboard soon it could take staff approximately three months to return with a proposal. (Murphy)
- Staff had not explored any state or federal grants for the proposed sewer rates. Options for any grants were few and while loans could be an option, staff had not yet explored the possibility, which would require direction from the City Council. (Murphy)
- Staff received direct emails from concerned citizens about the proposed sewer rates and staff provided responses as much as possible. Staff acknowledged there had been some confusion as to whether residents were tied to the West County Wastewater District and whether they were paying their fair share. Some of the CIP projects in the Sanitary Sewer Master Plan may or may not be needed and could be vetted better in the next year, which may pose less of a burden and transfer onto ratepayers. (Murphy)
- Staff reiterated the rationale for proposing Option D. (Murphy)
- The sewer rates were only for projects related to sewers including sewer mains, operation and maintenance of the Wastewater Treatment Plant, with any debt for the sewer-related work to be audited annually by an independent auditor and subject to the requirements of Proposition 218. (Murphy)
- Whether or not the sewer rate increase was approved, the City would still be mandated to complete some of the improvements required by the Regional Water Quality Control Board (RWQCB), which requested some improvements in the Pinon Avenue area that experienced water overflows every winter, and some overflows could be a public safety hazard in other areas. (Murphy)
- Reported the City had done a good job, with current reserves close to \$23 million. Acknowledged staff could go section by section to identify the most vulnerable sewer mains in the City and conduct improvements one by one. (Murphy)
- The Annual Neighborhood Utility Comparison as part of the PowerPoint presentation average rate percentage of increase for the different agencies was unknown since the schedule of rates for each would have to be reviewed, with all agencies to have increases scheduled over the next five years. (Mayor Pro Tem Sasai)
- The Comparison of Various Options as part of the PowerPoint presentation, with Options C and D not dipping into the reserves as much. Staff had recommended Option D, which would equate to an 8 percent increase for the five-year period, and which was in-line with what the City had been doing and allowed staff to evaluate all CIP projects. (Mayor Pro Tem Sasai)

- Whether Option D would be enough to ensure projects were completed, and which would have to be evaluated as part of the review of the CIP each year. Staff reiterated all projects in the Sanitary Sewer Master Plan had not been vetted to the level where staff could say the project was necessary or not, or could be delayed, with those decisions to be made each year after review of the CIP. (Mayor Pro Tem Sasai)
- Option D would cover the bare necessities to get the City into compliance. (Mayor Pro Tem Sasai)
- A Five-Year period had been chosen since Proposition 218 involved a five-year limit. (Tave)
- While there could be some cost savings related to a reduction in how much sewer wastewater was treated at the Pinole-Hercules Wastewater Treatment Plant, the cost of chemicals, treatment and electricity as examples had continued to increase. (Tave)
- Acknowledged the City's infrastructure was old and once upgraded there would be some increase in costs and maintenance, although that could level off once CIP projects were completed. (Tave)
- The Sanitary Sewer Master Plan should be updated every 20-years to re-evaluate where the City was and was a standard practice. The projects in the Sanitary Sewer Master Plan, involved a 20-year time frame and in that time period the Pinole-Hercules Wastewater Treatment Plant would be due for an upgrade and there should be enough reserves on hand to go out for a loan and then pay back, as an example. (Tave)
- The Sanitary Sewer Master Plan had last been updated in 2008. (Tave)
- Clarified again Option D; the City owned 50 percent of the Pinole-Hercules Wastewater Treatment Plant. Staff had not yet looked at the projects needed to meet regulatory requirements and it could be more or less than \$18 million. Staff would have a better understanding once the CIP was approved each year, which would be the time when staff could provide a better estimation of projects that could move forward or be delayed. (Martinez-Rubin)
- The funds in the reserves at \$12 million, with \$7 million for the Pinole-Hercules Wastewater Treatment Plant, which was the capital needed to be on hand for a major scenario if some functions in the Plant did not function properly. If the City had less in reserves, that was part of the financial and emergency planning work to be done and if the City did not have the funds, other options would have to be considered. Loans as an option may not be available immediately. As an example, loans from the Federal Emergency Management Agency (FEMA) may not be available immediately but loans from a private party may be an option. (Martinez-Rubin)
- The increase in sewer rates would fund the \$18 million CIP and would also help the City to keep the \$12 million reserve. (Martinez-Rubin)
- The City's debt service for the Pinole-Hercules Wastewater Treatment Plant was \$1.6 million. (Martinez-Rubin)

- Alternative financing could be considered. Clarified sewer services was a service the City provided ratepayers, but if a burden the City could go back and ask for a loan and repay over 30-years as the City had done for the Pinole-Hercules Wastewater Treatment Plant, although the costs would still be borne by ratepayers. (Martinez-Rubin)
- Confirmed the RWQCB added new regulations related to the Pinole-Hercules Wastewater Treatment Plant, and had recently voted to have all sewer facilities in the San Francisco Bay Area reduce nutrient levels by 40 percent, which remained to be discussed by the City and future costs remained unclear as they related to the Plant operation. (Martinez-Rubin)
- The requirements of Proposition 218, which required the new sewer rates if approved, to be rolled into the County Tax Rolls by the first week of August. (Martinez-Rubin)
- Pursuant to the requirements of Proposition 218, 3,200 letters of protest were required to stop this action. (Martinez-Rubin)
- Proposition 218 prohibited the consideration of tiered rates similar to what PG&E had done for its ratepayers, and the rates must be based specifically and only on the costs of service and ratepayer income could not be taken into account. A few cities had assistance programs but the funds must come from some other source such as the General Fund and not the utility itself, and would be a policy decision for the City Council to consider and was outside the scope of the utility analysis the consultant had prepared. (Martinez-Rubin)
- Whether the sewer rate could be tied to water usage, with some cities having done that and conducted an analysis of the water usage during the winter period when irrigation was minimal, and had then determined a rate per unit per flow and based the sewer bills on the water flow, but it would be complicated for the City of Pinole since it billed annually. (Tave)
- Policy typically drove the funded reserves and not a regulatory requirement. Clarified what could impact the City's credit worthiness, such as not meeting the debt service coverage requirements. Well-funded reserves were looked at more favorably by financial markets and as a result of that allowed lower interest rates. (Mayor Toms)
- If the City Council considered Option D, which would be an 8 percent increase each year over the next five years, which was palatable for people planning to pay their taxes. The CIP projects would go from \$28 million during that period down to \$18 million during that same period. (Mayor Toms)
- The Contra Costa Central Sanitary District was also required to meet the new requirements of the RWQCB regarding the 40 percent reduction of nutrients outflowing into the Bay. Staff could not verify at this time whether the City of Pinole was meeting the new requirement, although staff had discussions with the Plant Manager for the Pinole-Hercules Wastewater Treatment Plant who had attended a meeting on this topic with the RWQCB, where a number of views had been shared from smaller wastewater treatment plants that opposed a one-size-fit-all requirement as unfair. However, the RWQCB voted to impose the requirement on all wastewater treatment plants and the City would have to

conduct an analysis for the Plant. Staff hoped to have something for the City Council to discuss in the future. (Mayor Toms)

- The City would be required to provide the details for each parcel and how much would be charged for the sewer rate for the County Tax Rolls, which must be submitted by August 9, 2024. If the City did not meet that deadline, the increase in sewer rates would not be able to be imposed but the rate charged in 2023 could be charged. (Murphy)
- The City must notify the County Assessor's Office of the fee increase by August 9 to be placed on the Fiscal Year 2024/25 tax bill, with the first payment due by December 10, 2024 and the second installment on April 10, 2025. Whether or not the sewer rate was increased, information must be provided to the County by the August deadline. (Mayor Toms)
- If the City Council did not adopt a sewer rate increase at this time in order to adopt any new rate increase at some point a public hearing process and re-noticing would be required. (Murphy)

PUBLIC HEARING OPENED

Gustavo Carrillo, identified himself as a Pinole resident for the past three years. After his review of the rate study, he found inconsistencies between the rate study, Sanitary Sewer Master Plan and the Long-Term Financial Plan (LTFP). The LTFP had projected a .44 percent population growth year after year, as compared to the 10 percent in population growth shown in the Sanitary Sewer Master Plan. He suggested much of the population growth analyses and assumptions for rate capacity relied heavily on the Sanitary Sewer Master Plan. He asked in the future that all documents published by the City be coordinated. He otherwise acknowledged the level of effort from the Public Works Director, who he understood was short-staffed.

Mr. Carrillo also referenced the debt service coverage ratio and policies, and commented by the time the fifth-year hit and assuming there were no delays in construction or problems in execution of projects due to limitations in recruitment, he would encourage the City Council to consider a lower rate of increase and re-evaluate the sewer rate as early as three years and the latest at five years. At such time the City Council could then proceed with the staff recommendation for Option D, and such a scenario allowed the City to re-evaluate any new water permit requirements.

Rafael Menis referenced Table 7.3, as shown in the Sanitary Sewer Master Plan, CIP Summary, which noted the proportion of costs to be assigned to existing and future users. He commented there were far more costs with existing as opposed to future users. He found the costs in the rate study were in order to prevent flooding, as depicted in the CIP Summary of projects, but which were apart from future requirements from the RWQCB. He asked the Public Works Director to clarify whether the RWQCB had started to impose its requirements for the removal of PFAS ("GenX" chemicals) from wastewater.

Mr. Menis also commented that one of the written letters of correspondence that had been submitted stated one of the notices had not included a ballot as required pursuant to Government Code Section 53753. He asked the City Attorney to opine whether the forms sent out to residents included the ballots as required.

Mr. Menis also pointed out the effective rate increases for 2022 and 2023 were zero percent and if they were speaking of an average rate increase, and since the City had not imposed a substantial rate increase for several years, that had a major impact on the level of reserves to draw down from and the amount needed to rise. He suggested the City Council should consider the fact rates had not been increased for a few years when calculating averages.

Sheldon Coal thanked the City Council for the July 2, 2024 public workshop and for moving the item up on the agenda. He suggested the proposed rate increase would be substantial and he expected most residents would have an issue paying such an increase. He liked the approach of fiscal conservatism, but regardless any rate increase would hurt. He suggested policy objectives in three areas: how the City Council decides what CIP projects rose to the top; the timing of the projects where some could be moved out or pulled in; and how to pay for it. He suggested there were numerous ways to consider that but absent policies and objectives that would be a challenge. He also expressed concern with the short time frame with making this decision. During the July 2 workshop, there had been a discussion about population decreases, and he noted the City lost a representative in Washington D.C. The population in the Bay Area and in the West Contra Costa Unified School District (WCCUSD) had decreased. He questioned whether the assumptions had included population growth increases. He also suggested there should be a sunset on rate increases.

Janet Wilks stated her property was served by the Pinole-Hercules Wastewater Treatment Plant. She reported that ballots had not been included in the notification letter and the proposed sewer plan called for property owners to replace their home sewer lines if the City deemed it necessary at an approximate expense of \$10,000 per property owner. She suggested the rate increase should be as lean as possible since many property owners would face an additional \$10,000 expense. She reported there had been more than 2,500 hits on the NextDoor platform about this topic with only one person in support of a full rate increase. Since several Pinole tax measures were slated for the November ballot, a hasty \$1,000 sewer increase would impact voter's consideration of other issues as well as some Council members re-election efforts.

Ms. Wilks understood the base cost of the project was \$32 million, and through contingences the project would balloon to \$65 million. She suggested poor planning seemed to be at the root of the inflated rate increase. The City Council was urged to choose projects based on completed pipe inspections and risk assessment together with the use of new and less expensive piping rehabilitation methods, use Fiscal Year 2024/25 to better plan for the project and the rate increase, and in Fiscal Year 2025/26 impose a reasonable rate increase for a well-planned project funded over 20 to 30 years. The City Council was also urged to commit to semi-annual progress and completion reports to show the status and comparison of forecasted and actual costs associated with the projects and for all City Council decisions on this matter to be formalized decisions with adopted resolutions.

Mark Zimmerman understood there was a service life for sewer lines and it was appropriate to match sewer rates to the users of the system. He asked the City Council to spread out the sewer rates over more years via the use of a bond so future users would pay some of the costs. The current proposal required all cash revenue for the next five years, capital improvements would be used for 50 to 100 years or more, and the proposed sewer rate increase unfairly burdened existing users.

Mr. Zimmerman suggested financing options be explored with a proposal from the Finance Director and various contingency plans and options the Public Works Director introduced for the first time on July 2, 2024, and discussed tonight, also be evaluated. He found that the proposed capital projects had been based on incomplete sewer inspections. The Public Works Director stated during the July workshop that only eleven miles of the City's fifty miles of sewer lines had been inspected by Closed Circuit TV (CCTV), whereas the Sanitary Sewer Master Plan recommended an inspection program to be used to identify the pipes most in need of rehab and replacement, and that a long-term risk assessment be completed to identify long-term rehab replacement projects and funding needs. Once the City completed the CCTV inspection and had a better idea of the condition of the collection system, the length and total costs could be determined.

Since the City only completed 20 percent of the CCTV inspections to date and a risk assessment had not been done, Mr. Zimmerman requested that the City Council defer the sewer rate increase for one year until the City complied with the Sanitary Sewer Master Plan. The City Council would then know the condition of the collection system so costs could be accurately determined rather than applying an 85 percent contingency on all projects, which was causing an inflated cost estimate resulting in the need of excessive revenues.

Mr. Zimmerman added that the proposed sewer rate increase would be 111 percent over the five years and would add \$1,000 to residential property tax bills. Every Council member should be concerned with residents and voters not being burdened by an increase that far exceeded the 30-year average of 7 percent. He emphasized the rate increase would not contribute to affordable housing and he again asked that the City Council defer the sewer rate increase by one year.

Frankie Martinez acknowledged the City was over 120 years old, its infrastructure was dated and maintenance was critical to everyone. He supported the rate increase reluctantly since the City needed to address this critical infrastructure that was used every day and it should not be passed on to future generations as had been done by prior elected officials. He thanked the new City Council leadership for identifying the infrastructure problems with the new CIP plan and he thanked the Public Works Director for his efforts. He recognized more work needed to be done to learn what infrastructure was critical for replacement now and what could be deferred to a future date.

Mr. Martinez asked how this issue had been brought to the City Council and suggested a better job could have been done to communicate with the public. He also recognized efforts had been made to improve communication practices throughout the community, and he cited the use of The Balancing Act Tool, and communication to the public via discussions about the Community Corner and new City logo, which were excellent examples of proper engagement with the community. The proposed sewer rate increase had not followed the best communication processes the City had in practice and accountability was needed, which was happening under the leadership of the Mayor. He asked if there was any way to postpone the item to allow the City Council more time to review existing infrastructure, determine what may or may not fail and prepare a plan of action that would not place such a burden on the community while also helping those on fixed incomes who could not afford a rate increase.

Danielle Hall found the City Council and staff had done a good job but recommended looking into this topic in more depth in terms of whether there were any other companies that conducted inspections and whether a second opinion could be provided.

Ms. Hall agreed that the City needed to improve its reserves, not touch the reserves and consider other options before spending money and deplete what was needed in the reserves. She understood the Public Works Director did not have enough staff, the City should consider more grant opportunities, notify the state and comb through other options. She too had not received a ballot and she found many of the questions asked were vital to Pinole's infrastructure. While she understood the need to address existing infrastructure and she was uncertain how this would impact new development, she understood it would have some impact.

Cathy McFarland a 14-year resident of Pinole, commented that most residents lived on limited incomes whether working, on disability or were seniors. The proposed rate increase would be a significant increase and no one's income had increased at that rate regardless of their employment. Non-residential units would be faced with an over 400 percent increase, which would impact local businesses with a \$76,000 increase. If she was a business operator, she would not do business in Pinole. She highlighted all other living expenses everyone must pay, all of which had significantly increased. With the City now implementing pro-housing with up to 618 new units, she asked about the impact on the existing sewer system given the knowledge of existing issues. Adding more units to the existing system along with an increase in traffic was a concern with new housing development. She wanted to preserve the small-town quality of Pinole, which was important, but suggested now everyone was stacked in like sardines, Pinole Valley Road was heavily impacted by traffic, particularly during the commute period, and everything impacted the way the City of Pinole was being viewed, run and being taken care of. She asked about the revenue that would be generated to the City by all of the new units and additional users.

Allison Carrillo, a three-year resident of Pinole, suggested the City Council ask staff to clarify the difference between existing, future and current ratepayers, which had caused some confusion in the community. She also sought further explanation about the sewer rates, the rate study financial plan and a prior discussion on two sewer bonds the City was currently paying off, one of which she understood was a refund for a 2006 bond for \$10 million. She suggested looking at bonds and current interest rates since she understood the City had the opportunity for a later decrease in interest rates and that would not stop the consideration of bonds as an option. She also understood most sewer rates in the country were used to pay for capital renewal and regulatory landscapes that were ever changing, and while there could be some deferred maintenance, they were close to the 50- to 100-year life span of the infrastructure in place and the need for capital renewal plus changes in regulatory landscape could not be funded by cash alone. She otherwise suggested it was unfair to say that previous residents did not pay their fair share since they had for what was being requested of them at the time. She urged a focus on managing the existing system in a measured and equitable manner so that it was assessed over the long term.

Travis Lund, a Pinole resident since 2016, loved living in the City but was disappointed with the letter received and the information provided. He had purchased his home with a 30-year mortgage and while the sewer rate may not be a tax, it would be part of his mortgage and could not be put off or placed on a credit card. It would also be a bill for every property owner and resident of the City, including those on a fixed income. While he had no children, a neighbor had seven family members, and he questioned having to pay the same rate as someone with a larger family. He questioned the level of capital improvement and planned savings, as it had been described by staff, which was a luxury most households did not enjoy. As someone who managed property, he noted most deferred maintenance was due to poor financial planning or governance, and while the current City Council may not have made those decisions, he questioned that the City had not budgeted for those costs well ahead with residents made aware of plans in advance.

Mr. Lund suggested the City Council should budget for these costs each year and not make expenditures in cash for capital improvements. He understood most cities in the state had been impacted by a lack of state funding but suggested that would pass and citizens could not be forced to pay for things that would go on for 50 to 100 years in a five-year span, which was not equitable, fair or transparent to the community. He noted none of his neighbors were aware of the proposed sewer rate increase. He too urged the City Council to put the decision off and rather consider a more palatable and justifiable rate increase.

Ivette Rico, a 53-year resident, commented her home had been built in 1971, and she was aware the pipes under her home had deteriorated, although she took care of that infrastructure unlike others who had not. The City had deteriorated pipes and sewers, and while the current City Council was not part of prior decisions made over the last 20-years, the infrastructure had been allowed to deteriorate with no plans to mitigate the problem other than with a band-aid solution. She applauded the City Council for taking responsibility for something that had not been addressed for over 20-years and she was confident the City Council would listen to the community and consider all opinions and potential options.

Winnie Baird explained that she had grown up in the City of Hercules but lived in the City of Pinole for the past 55 years. She was a senior citizen whose increase from Social Security was around two percent per year. She suggested the City taking money from her reserves was unfair given repairs that could take possibly 30 to 50 years when she would no longer be alive. She referenced the information provided as a comparison to neighboring communities, which included the cities of Larkspur and San Francisco, which communities were nowhere near similar to the City of Pinole. She questioned the fairness of the proposed sewer rate increase, found the reports lacked information, and stated she had never received a letter about a committee meeting she would have liked to have attended. If the City had to use its reserves, that should be considered since she would have to use her personal reserves to pay all the taxes.

Irma Rupert, a 48-year resident of Pinole, echoed the sentiments from the prior speakers. She had not seen so many people in the City Council Chambers over the past several years and urged residents to become involved. She had raised concern with the background of the proposed sewer rate, and she questioned much of the background information contained in the July 16, 2024 staff report. She highlighted the work of Willdan Financial Services, input from the July 2, 2024 workshop, and the fact staff had not pursued grants or loans for the proposed sewer rate increase, all of which had been detailed in the staff report, and particularly since the City had hired a Grant Writer in 2023, after she had repeatedly requested the City do so since the City did not have the staff to pursue grants. She asked for a status report on the work of the Grant Writer. She also spoke to her experience with grants for the Justice Department and emphasized the importance of the city pursuing potential grant opportunities. She asked that this matter be continued until the new City Manager was on board since not everyone in the City was aware of the proposed rate increase and this was a good example of waiting until the last minute. She emphasized the City was failing taxpayers due to the lack of communication.

Chris Wimmer. thanked the City Council for its work and recognized the challenges serving on the City Council. A 70-year resident, he watched the City grow to its current state. He recognized the need to improve the City's infrastructure but objected to the way it was being forced onto the residents. He understood sewer rate increases in general were around 18 percent, and noted his Social Security increase in 2023 was 3.2 percent.

Mr. Wimmer questioned where he would make up the difference to pay for the proposed sewer rate increase, one of many different increases residents had experienced. He found the City Council did not care, did not want to be re-elected and asked the City Council to think long and hard prior to making a decision since he did not see this issue had been thought through.

Jeanette McFarley was deeply concerned about the proposed sewer rate increase and while maintaining the City's infrastructure was important, the rapid rise of these costs was happening too quickly for the community to absorb, and if every expense was treated as a priority nothing would be a priority. The proposed sewer rate increase would place a burden on residents already struggling to keep pace with rising costs in Pinole, the Bay Area and the state at-large, and make a living in Pinole increasingly unaffordable for many with one rate hike at a time. As currently designed, the proposed annual increase would increase sewer rates this month by 17.8 percent, in July 2025 another 17.5 percent, and so on up to 15 percent in 2026, 2027 and 2028, for an approximate 110.6 percent increase in a four-year period. This increase was significant and would continue to place a growing financial burden on residents. This proposed rate increase also would make the City of Pinole unaffordable forcing long-time residents to reconsider their place in the community. She asked that the City Council consider a more balanced approach allowing for necessary improvements without compromising the financial stability of its residents, and urged everyone to work together to find a solution that ensured the sustainability of the infrastructure without pricing residents out of their homes. She asked for a delay until further research of the necessary expenses over the next few years could be done.

Warren Clayton, a resident for over 32-years, had seen a lot of changes in the community. Over the past five years, the sewer rate had been increased a total of 9 percent. Having reviewed the proposed rate percentage increases, he noticed the increase, as proposed, would be over 100 percent for a single-family dwelling and only 89 percent for a multifamily dwelling. He realized the rate structure for multifamily dwellings would be less than single-family dwellings since more people usually lived in a multifamily dwelling, but asked why there was a difference. The rate increase should be the same for all and he asked that the City Council take another look at the proposal and reduce it to an average of the two proposed rate percentages. As to the discussion around the increase in population in the City, he understood that was due to projects planned or in process. He asked why the sewer rate increase had not been addressed when those additional units had been planned for development and why the developer had not shared some of the costs if that was an option. He also commented on the sewer rates for Richmond and Hercules, which were approximately the same, and asked for a better understanding of the differences between neighboring communities and the proposed rate increase for Pinole.

PUBLIC HEARING CLOSED

Public Works Director Mishra responded to some of the comments from the public. He clarified the idea was to come up with the fiscal costs but at the same time the City was considering other infrastructure assessments yet to be completed including a Facilities Assessment and assessments of City roads, which costs had been estimated at \$100 million. Sewer was a service provided for a fee, which was one of the items that could be funded by a sewer rate. Funds to address other structures and roads required a ballot or tax measure. The City Council had not had this level of discussion other than internally at the staff level. He clarified the number of needs the City currently had and explained that the City would not be in a better financial position with a bond, as an example, which was the reason that option had not been explored further.

Public Works Director Mishra clarified all new development in the City would pay Development Impact Fees, which included a Sewer Impact Fee. The current Sewer Impact Fees that had been collected totaled approximately \$600,000. He also clarified that around eleven miles of pipes had been inspected but since deciding to use the CCTV cameras for the sewer mains in-house, that was why the City had been unable to move faster. If the City hired a contractor to conduct that work, it would cost around \$2.5 million for the 50 miles of City pipes. The City had invested in staff training to do the work in-house but due to other needs and staff constraints, staff had been unable to push the work farther along. Of the eleven miles inspected to date, staff verified the status of the pipes through the initial CCTV. The next planning phase would involve the next stage of CCTV inspections.

Public Works Director Mishra added that once the CCTV inspections were done, a risk assessment would be conducted based on the videos obtained, which would help to evaluate whether the pipes had any defects. The City had an On-Call Consultant who helped with that work. In addition, and in terms of the CIP projects, there were internal reports for all CIP projects, with updates every three months, which information was found in City Council reports such as the Fourth Quarter Report for the last year. As to how staff decided or recommended what projects rose to the top in terms of cost benefits and making projects a priority, that occurred during the CIP development process. The City Council had asked staff to develop a matrix based on various criterion, which had been described in the CIP. Staff from different departments reviewed the criterion, goals and descriptions for each CIP project and provided a ranking of each project based on the criterion. The ranking was averaged and projects prioritized and brought to the next phase whether the design phase or down the road.

Public Works Director Mishra also clarified the Sanitary Sewer Master Plan had considered the 600 new units to be built in the City of Pinole, with all planned development included, and again once those developments were complete, the developer would pay a Development Impact Fee.

Mr. Fisher further clarified how Single-Family and Multifamily dwelling units had been defined and why there was a difference in the rate structure between the two. The rates had been based on the costs that had been allocated to each unit, with the rates based on the proportionate share of flow generated and based on historical data.

Mr. Fisher also responded to the public concerns with current versus future users. The number of users paying the rates now had been evaluated and the projected growth based on planning documents, demographics and U.S. Census information and the like, to determine new users and had spread the costs based on what was expected as to the number of potential future users. He explained that current users were known based on those who were connected to the current system with future users based on future growth.

Council member Tave commented this discussion was not new. He wondered whether there was a better way to model the rate structure and whether the issue of fairness had been considered.

Council member Martinez-Rubin commented the need to be fair had not been disregarded but there was a challenge to identify the process. A resident had a certain level of income each year, which may not increase at the same percentage as a fee increase or increase in the cost of food, as an example, which was an external condition; or a facility now required greater maintenance or attention and there were costs associated with that. With no fee increase, the external conditions would only continue.

In response to Council member Murphy, City Attorney Eric Casher clarified the notice requirements for a fee increase pursuant to California Constitution Article 13 (d), Section VI, which was different from the requirements for an assessment. In this case, the City was required to provide a written notice by mail of the proposed fee or change to the record owner of each identified parcel upon which the fee or charge had been proposed for imposition, the amount of the fee or charge proposed to be imposed on each and the basis on which the amount of the proposed fee or charge was calculated, the reason for the fee or charge together with the date, time and location of the public hearing of the proposed fees, and a three-page notice that had been sent out and included all of that information compliant with that section of the California Constitution.

Public Works Director Mishra reported the three-page notice had been mailed to all parcel owners based on the County records data base. He had received over 250 returned mail letters from that mailing and was uncertain whether addresses had changed or there had been a decline to receive. He clarified that 17 percent (960 parcels) of parcels in Pinole were not part of the Pinole-Hercules Wastewater Treatment Plant but part of the West County Wastewater District, which managed its own sewer mains and private sewer laterals. He explained that the City of Pinole engaged with those owners in the West County District who conducted any repairs that required an encroachment permit if any work was done in the City of Pinole's right-of-way (ROW), and that part of the population was not affected by the proposed sewer rate increase.

Council member Murphy asked how a resident would be aware whether they were in the Pinole-Hercules Wastewater Treatment Plant system or the West County Wastewater District.

Public Works Director Mishra explained that if not in the Pinole-Hercules Wastewater Treatment Plant system, the resident would not have received the letter from the City. Residents would also know because they would pay the rate to whatever system they were part of, which would be reflected in the property owner's property taxes.

Mayor Pro Tem Sasai asked staff whether the item could be deferred to allow for more research or input from the community. He understood the City did not have an obligation to adopt the resolution accepting the engineer's report accepting the new sewer rates, and if not, the City would continue on with the current sewer rates until the City was able to look at the issue again in the next year.

Public Works Director Mishra confirmed there was no legal obligation to impose the proposed sewer rate increase but if the sewer rate increase did not move forward at this time, the City would have to move forward with last year's rate and whenever the City Council decided to restart this effort it would have to go through the public hearing process again. If that occurred, there would be a zero percent rate increase for Fiscal Year 2024/25 and the issue would be revisited this time next year where it was possible residents could be faced with an even higher increased sewer rate.

Mayor Toms asked if the City Council were to consider one of the identified options, such as Option D, whether it would still address some of the capital needs. She asked whether staff could be directed in the next two years to conduct an analysis to be ahead of the curve and look at what it would be like to finance the remainder of the \$60 million with bond debt. She understood this was a 20-year improvement that could be paid for over 20 or 30-years and she wanted to take that into consideration.

Mayor Toms asked if that was something that could be considered and also possibly consider a different fee structure that was a base fee for single-family and multifamily, and an additional or portion of the fee based on water usage. She understood the water use would have to come from the East Bay Municipal Utility District (EBMUD) water bills from a certain period of time and the City would not catch up until the following year.

As an example, if a neighbor had seven children and they used a lot of water one year and then if they were to move and there was a new resident that had fewer children, that year they would be paying a higher amount of sewer fees because the previous year there had been a larger household. It would be one year delayed for a portion of the calculation if calculated that way.

Mr. Fisher confirmed that since the City did not provide water service to residents, water use data would have to be obtained from EBMUD. Since the City did not bill monthly or bi-monthly, there would be a year in arrears since the charge would be levied on the tax bill and that information would be available only once a year to calculate the annual charge and it would take another year to catch up.

Mayor Toms suggested that could be an option to move forward for the next fee calculation, the City could start further ahead of time rather than running up two weeks before it had to notify the County as far as what new fees were being proposed. She wanted staff to take a look at that and see what that would do as far as encouraging families to conserve water since fees would be paid based on use, although it would be based on last year's use and was something she was interested in seeing on the next cycle and moving that cycle up could allow it to be addressed.

Mayor Toms also commented that another option would be paying for all improvements with debt service so that all future users would pay for the improvements and attempting to anticipate the life cycle of those improvements.

Council member Tave asked how much the City would generate in the first year from the proposed sewer rate increase.

Public Works Director Mishra again walked through the sewer rate options with an 8 percent increase to generate around \$6.3 million in one year.

Mayor Toms understood it would be \$6.3 million total with the existing \$5.8 million.

Council member Tave spoke to the deltas between the years, and understood the difference from the existing to the proposed sewer rate increase would be roughly \$5.89 per month for the first year. He suggested \$5.89 did not seem like a lot, but was for some, and meant in 30-days someone may have to make cost cuts. Thinking of the most vulnerable in the community of which there was little data on income, that made it difficult to keep asking for an increase in future years. He understood a loan would not make sense given the limited information on what it would look like but to ignore a rate increase was also difficult given there had been no increases from 2012 to the present. He suggested the rate should be consistent no matter what but was unsure it should be \$5.89 or lower. He did like the idea of tying water usage to the fee increase or possibly control that during the wet season and he referenced the proposed Sewer Lateral Program, which could provide assistance to some homeowners and where the City could have better numbers for water going in and out.

Council member Martinez-Rubin clarified the Sewer Lateral Program was not currently in effect. She noted that some residents had already paid for their sewer lines, there were costs and challenges involved for some and no matter when any rate increase was implemented unless there was a subsidy some would pay more or less. She commented that no one liked increases, especially for invisible infrastructure, which was a challenge for the homeowner and the government as well, particularly at a time when there were already challenges paying for significant increases elsewhere.

Council member Martinez-Rubin also recognized the City's infrastructure continued to degrade. There was an opportunity to do something about that, which was one aspect to consider when discussing the rate increase as well as thinking about how to make lives in Pinole better. She preferred to see a steady and consistent approach to increasing rates, where the amount was less of a shock and easier to absorb since the cost must be absorbed one way or another. She appreciated that after the May 21, 2024 initial presentation, the Public Works Director had considered new information, which had resulted in different options to help inform the public, options that had not been presented in May. She noted that the proposed increase brought attention to the City's infrastructure and she emphasized that the City Council was responsible as electeds to do something to prevent further deterioration of the City's infrastructure.

Council member Martinez-Rubin favored Option D for its consistency across five-years and at the same time, she requested some involvement of staff and/or whomever else consulted with staff about identifying priorities, evaluating projects and becoming better informed about the costs to either reserve or set aside.

Mayor Pro Tem Sasai suggested it made no sense for someone in a household of ten to pay the same fee as a household of one, as an example. The same applied to a household that had multiple bedrooms and bathrooms as compared to a much smaller household paying the same fee increase, which was not equitable. He was happy to entertain future discussions about that and while they could not tie the fee increase to income levels, possibly water usage should be discussed over the long term. Based on the input from the community, he could not support an increase of 17.5 percent the next two fiscal years and a 50 percent increase the three years thereafter since that was not affordable.

Mayor Pro Tem Sasai also favored Option D as a good middle ground. He recognized that no rate increase would be great but as the City's infrastructure aged, Option D would address the bare necessities.

Council member Murphy commented this conversation was difficult, the options provided were filling in pieces of the conversation but not the full conversation and he was really challenged with the level and standard of communication to the public on this issue. The City had done a lot of work over the past few years to build that level of public trust, transparency and accountability. He also commented on the use of tools whether through video or newsletters to educate the public, and he was challenged that the City was in this predicament. He also questioned the arbitrary date of August 9 or 10, 2024 when a decision must be made to put a rate increase on the tax rolls and wondered how to mitigate that while also addressing the reality of modernizing the City's sewer system to ensure a reliable source while also protecting the local environment.

Council member Murphy commented since he had been a Council member he had worked to modernize government and protect the environment.

Council member Murphy added that in conversations he had with people about the sewer system and proposed rate increase, he had found a lack of understanding how the sewer rates had been determined and what people were actually paying for. When he provided more information to a resident, oftentimes the value of modernizing the system and upgrading it was understood. He was challenged whether the product was as important as the process, which was where he was having a tough time supporting any option.

Council member Murphy acknowledged the comments about the buck being passed over the past 20-years and this being a symptom of a deferred mentality and he was having a tough time thinking whether a deferral of this item was a priority, but he was also of the opinion more work needed to be done. He wanted to see a work plan for more work on this matter, and while a sewer rate study had been done and was helpful, he wanted to know the parameters and benchmarks for getting residents to understand what they were paying for, which was staff's work to do. He would be happy to support that work as a Council member but he remained challenged by the lack of communication since he had done a lot of assessment and creation and innovation to ensure the necessary systems of communication were available to ensure the public understood what was being done, why it was being done, why it mattered and what happened if no action was taken.

Council member Murphy had no comment on the options at this time, he again asked that staff do more work since residents were not understanding this issue. He wanted to see the City move from proficient to excellent in communicating this and other issues, particularly when bringing in a new City Manager. He suggested the Beat of Pinole was a great space to create a video and discuss this issue, stated the City newsletter could be used to educate the public and expressed concern that the City had not done the work. He felt this was a setback as there had been a lot of work done to get the public trust back.

Council member Murphy also commented he had the same concerns about discussing electric vehicles (EV), and emphasized he was a proponent of zero emissions but the City had to teach the public about using EVs, how to charge them and the potential impacts of not reaching zero emissions. He suggested the July 2, 2024 public workshop had not done enough to address the public concerns and his top priority was to ensure residents understood how the rates were determined and what they were paying for. He also wanted an understanding of potential funding sources from the state or federal government and he wanted a clear assessment of that possibility, particularly from the Grant Writer's perspective. He understood private funding could be an option in the future, but an assessment would provide a better understanding of the potential funding sources that could supplement the revenue from sewer rates.

Mayor Toms reported when there were quarterly meetings of the Pinole-Hercules Wastewater Treatment Plant Subcommittee, reports had been provided on the amount of intrusion (ground water being treated that did not need to be treated since it was seeping into the pipes), which had been an eye opener when she sat on the Subcommittee, and which was why she was not surprised with the need for improvements.

Mayor Toms stated if the City Council moved forward with a recommendation for a rate increase, she would like to see it followed up with an evaluation of the situation over the course of one to two years, a report back on what \$60 million of capital debt for capital improvements looked like and what a repayment plan looked like for the mid-term and long-term CIP since the short-term capital improvements would be covered by the sewer rate increase, if approved.

Mayor Toms also wanted an evaluation of what a base residential fee would look like based on use, and if the proposed fee would be almost \$80 for residential per month, there could be a base of \$30 a month, with the rest based on the use and how that would be implemented. She noted the Assistant to the City Manager had done a phenomenal job but needed more material to educate the public, confirm the City was prioritizing the projects that could appear in the short term, and leverage grants to make the dollars stretch. If a motion was made, she asked that be included as direction to staff.

Council member Tave commented that one of the biggest problems with increases was that residents had questions about what was happening, where the money was going, and how it was being spent, and part of the communication plan must include regular communication. Water usage was important and he clarified with staff that was possible but the information must come from EBMUD and would be a year behind, as earlier explained. He emphasized the need to be very specific to residents, many of whom were very active, and he recommended overcommunicating and being very deliberate in how the City was communicating.

Mayor Toms pointed out the difference between the proposal in the rate notification, which called for a \$1,000 a year increase by 2029, whereas an 8 percent increase called for an increase of \$494 by Fiscal Year 2029.

Council member Tave clarified the rates could be revised in any of the years within the five-year period, which should be clarified if a motion was made. He agreed the City had not done everything it could to communicate this issue, did not mind if there was a deferral and a revisit of the issue in the future, but in FY 2026 there would be an 8 percent increase, in FY 2027 there would be a 10 percent increase, in FY 2028 the increase would be 10 percent, and in FY 2029, the increase would be 10 percent. He suggested proceeding with Option D and in 2026 have a conversation on what that would look like.

Mayor Toms agreed.

Council member Martinez-Rubin offered a motion to approve the recommendation provided by staff, specifically Option D, for an 8 percent increase to the sewer rate.

Mayor Toms asked that the motion include the following direction to staff:

- Review by FY 2026 what \$60 million in capital improvement debt looked like
- Review what a baseline residential fee plus use would look like
- Consider increased regular communication regarding the need for the capital improvements and the status of capital improvements
- Verify prioritization of the projects that would be done in the short term
- Leverage grant opportunities

Council member Martinez-Rubin asked whether the direction to staff needed to be part of the motion.

City Attorney Casher stated the direction to staff could be part of the motion.

Council member Martinez-Rubin accepted the amendment to the motion.

Council member Tave seconded the motion and asked whether anyone was open to not doing this in FY 2025, and considering a 10 percent rate increase for the next four years.

Council member Murphy was open to that but reiterated his comments and his assessment after speaking with residents about this topic that they understood the need, the challenge was keeping residents informed as they were moving through the issues. He referenced the comparison of various options as part of the PowerPoint presentation and noted the reason he had been championing the participatory budgeting and balancing was that comparison should be in the hands of residents, and also helped the City Council to educate residents on where they were at and to ensure the mitigation of those issues together. While he could defer the item, he sought monthly reports and consistent communication with the public on this issue given its importance.

Council member Tave noted that the expected funds were unknown at this point and there was some time to roll out an engagement program and provide a real explanation of how bad the situation was. He also recognized not everyone may have received the Sanitary Sewer Master Plan report and he questioned whether it covered the total costs of ownership for the sewer line and a further analysis may be needed. If deferring for one year, he suggested it would not be bad, particularly if there was a more solid product in 2026.

Council member Martinez-Rubin noted this experience led everyone to have an increased awareness that communication needed to improve. She supported the motion with the additional direction proposed by the Mayor, and suggested between now and this time next year there would be additional information that would be presented to the public anyway via the communication channels the City already had. She requested a vote on the motion.

ACTION: Motion by Council members Martinez-Rubin/Tave to approve the recommendation provided by staff, specifically Option D, for an 8 percent increase in the sewer rate and with direction to staff as follows:

- **Staff to review by FY 2026 what \$60 million in capital debt looked like**
- **Staff to review what a baseline residential fee plus use would look like**
- **Staff to consider increased regular communication regarding the need for the capital improvements and the status of capital improvements**
- **Staff to verify prioritization of the projects that would be done in the short term**
- **Staff to leverage grant opportunities**

Vote:	Passed	3-2
	Ayes:	Toms, Sasai, Martinez- Rubin
	Noes:	Murphy, Tave
	Abstain:	None
	Absent:	None

Commissioner Tave explained he had voted no because they could get the one year and absorb the 10 percent, and he felt better if everything was presented at once and more robust.

Council member Murphy recognized the motion had passed, but this experience did not tell them that communication was important and he reiterated that while the City had made progress on communication for this topic, the City had dropped the ball and he wanted to continue the momentum they had. The motion, as stated, was to determine a communication plan and he ideally would like to see monthly reports on this topic and know how they were moving forward given this had been a shock to residents with a challenging timeframe, and moving forward it would be helpful to get those reports from the Public Works Director with actionable steps on what was being done next.

Council member Martinez-Rubin clarified with the Mayor and the City Clerk the motion passed by a vote of 3-2, with Council members Murphy and Tave voting no.

The City Council took a brief recess at 9:01 p.m. The meeting reconvened at 9:16 p.m. with all Council members present.

Mayor Toms reported the City Council would next receive a presentation as part of Item 8B. Presentations for Department Update – Human Resources, and thereafter the City Council would return to the remainder of the meeting agenda.

B. Presentations

1. Department Update – Human Resources

Human Resources Director Stacy Shell introduced Josie Gutierrez, Human Resources Technician and Charlene Davis, Human Resources Analyst. She provided a PowerPoint presentation on the Human Resources Department, which included an overview of the Department's Mission Statement to provide comprehensive and timely human resources and risk management services, develop and implement innovative strategies and programs and attract, develop, motivate and retain the best qualified employees.

Human Resources Director Shell highlighted the Department's services and responsibilities; recruitment, retention, outreach, advancement and inclusion efforts; a chart of the City of Pinole's diversity by race; labor and employee relations; bargaining units and employee groups; negotiations, investigations and discipline support; maintenance of classification and compensation plans for City employees through an analysis of job and pay systems; administration of benefits with employee benefits providing a healthy work-life balance; training and development; employee investment; wellness, safety and risk management; health, well-being and support to employees; employee engagement; workplace culture; City of Pinole Employee Turnover history dating back to 2019 and alignment with City Council Goal #4, to build an organization and culture that was efficient, ethical, and effective in delivering quality services with community involvement and fiscal stewardship.

Council member Murphy thanked Human Resources Director Shell for the presentation and all of the work being done in the Human Resources Department, which was located in the front of City Hall and was the first contact with the public. He also thanked Human Resources staff for the implementation of the City Council Intern Program and was provided an overview of the process, with Council direction to be sought whether another round was needed to solicit more students interested in participating in the program.

Currently, there were two Council interns and the program was funded for those two interns to continue in the program. City Council direction would be needed whether to open the opportunity for other students to experience.

Council member Murphy wanted to explore an open application process. He thanked staff and hoped to provide direction on the City Council Intern Program in terms of the next steps. He again expressed his appreciation to the Human Resources Department staff and reported on comments he had received on how kind, accessible and friendly Human Resources Technician Gutierrez, in particular, had been when interacting with the public.

PUBLIC COMMENTS OPENED

Irma Ruport commented she had a Human Resources Department background. She too expressed her appreciation to City staff. She asked that the performance of employees include a survey about public communication and dealing with members of City staff, since many employees were fairly new, and there were a number of issues such as telephones not working, doors at City Hall being locked on Fridays and it was important to have discussions in-doors on how to improve communication since it did not sit well for the public's inability to reach staff. While she had experienced good contact with Human Resources Department staff, she sought more one-on-one evaluations of the staff person the public was dealing with and for improved communications as had been discussed.

Anthony Vossbrink reported he and other members of the community were curious whether it was standard practice for the Human Resources Department to wait for months to seek a professional search firm for the position of City Manager, which position had been vacant for roughly twelve months before it had been decided to seek a search firm. He asked why that process had taken so long since it cost the City money and time delaying the process. He also understood exit interviews had been done with most employees at all levels whether the employee was terminated or resigned, and he asked how fruitful the responses had been as to why employees had left the City. He also asked whether there was a preference to hire people that were residents of Pinole and West Contra Costa County who would be more familiar with West County and whether the job description included a statement if the employee happened to see something, say or do something, and he offered examples of things occurring in the Public Works Department in terms of maintenance, landscaping and street light issues.

PUBLIC COMMENTS CLOSED

Human Resources Director Shell clarified that a competitive bid process had been completed for the executive search firm selected to conduct the City Manager executive recruitment, which process had taken several months. Since that position reported directly to the City Council, Closed Session meetings had been required to discuss the hiring circumstances, and the scheduling of those Closed Sessions sometimes took time and the process got delayed. A firm was successfully obtained, there had been wonderful interest in the position with an excellent and outstanding candidate selected and she was excited for Kelcey Young to start as the City Manager at the end of August.

Human Resources Director Shell added that exit interviews were conducted for all employees who resigned and copies of the exit interviews were presented to the Human Resources Department, shared with the City Manager and the Department Directors.

Any issues brought up by anyone were discussed to help mitigate some of those factors in the future to possibly be able to retain those valued employees who were leaving for other reasons, although oftentimes the reasons were out of their control.

Human Resources Director Shell also clarified the City did not have a residency preference program that some cities usually set by policy, although neither the Pinole Municipal Code (PMC) nor the City's personnel rules included such a policy.

Mayor Toms thanked the Human Resources Department staff for the presentation. She recognized the importance of valuing City employees and she found the Department had done a great job programming for that.

Interim City Manager/Police Chief Neil Gang commented that during his tenure as Chief of Police and as Interim City Manager, the Human Resources Department had a 180 percent turnaround and he applauded its workforce for that turnaround. He commended the Department on employee satisfaction and experience and he shared how the Department's programs and efforts had been the glue which bound a once siloed city into different departments, into a team and a family and they were at a height where that had come to fruition. He stated the synergy was great for the new City Manager to take on and the Human Resources Department staff had been the catalyst for that to happen.

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.

Rafael Menis reported on the increased COVID-19 rates in Contra Costa County and nation as a whole, reported there had been traces of COVID-19 in the county wastewater data, the national rate had increased in the past week, with hospitalization rates in the State of California having spiked. He urged people to take precautions, such as getting booster shots and wearing masks in crowded indoor spaces, particularly for at-risk populations. He also spoke to democracy, and the fact an assassin had attempted to kill former President Trump, which fundamentally and in a democratic society, an assassin of whatever age, political or ethnic background, saying their views, opinions and ideas mattered more than everyone else, should not be able to do so because it was not what America was about and should be about. Democracy was not about who had the most weapons wins, but everyone collectively agreeing to abide by the processes, the votes, the collective judgment and an assassin's bullet was contrary and contradictory to democracy. While he personally did not like former President Trump and hoped he would lose the election this year, he suggested the nation would not be better off if the assassin's bullet had struck and killed him in that fundamentally democracy required resolving issues at the ballot box, with a ballot not a bullet.

Irma Ruport stated during the June 25, 2024 City Council meeting, she had made comments during Citizens to be Heard about the Interim City Manager/Police Chief who would be retiring and her concern as to whether it was fair and non-productive that he was recruiting for his own position.

Ms. Ruport repeated the comments attributed to the Interim City Manager/Police Chief at that meeting and asked how long the vacancy announcement had been open, whether the City was cutting it short, whether there were candidates already in-line and she asked the City Attorney to opine on whether or not there was a conflict of interest. She noted that taxpayers had served on a panel to interview the new City Manager and she asked why that same process had not been followed for the Police Chief since that position was very important and would report to the public. She suggested the panel could include people from the outside who were fresh and new. She added she had been part of the Public Safety Committee when two murders had occurred in the past and she referenced a report the committee had prepared but had never been reported out to the City Council. She suggested the City lacked in the area of public safety and bringing in the public would allow interaction with one another. She hoped the new Police Chief would be someone who was out in the community.

City Attorney Casher clarified in response to the public comment that there was no conflict of interest with the Interim City Manager participating in the recruitment of the incoming Police Chief. It was fairly common for an outgoing executive officer to participate and provide input to the City Manager, who ultimately hired for the position with advice from the City Council. He understood candidates were currently making their way through the process and the incoming City Manager would hire the best candidate for the position.

Mayor Toms added that typically the City had outside participants that sat on a panel to interview prospective staff.

Interim City Manager/Police Chief Gang clarified a public announcement had been made when the City first hired Public Sector Search, a national recruitment firm that would do the recruitment with assistance of the Police Chief and the assistance of the Human Resources Department, and which would be a fully transparent process. The application process for Police Chief closed on July 12, 2024, and the recruitment firm would screen, review résumés and recommend to the Police Chief and the Human Resources Department those applicants who should move on to the next session of oral interviews. There would be three different panels involved in the recruitment of Police Chief; a panel consisting of a Police Officers Association (POA) representative and three members of the community and there had been some outreach to the City Council on recommendations. Another panel would be comprised of all Department Heads and the third panel Police Chiefs around the State who would provide recommendations. A finalist list would then move forward to the City Manager who would conduct one-on-one interviews with the finalists. The City Manager would make the final decision and he had offered a willingness to consult if needed.

Interim City Manager/Police Chief Gang stated that was why he failed to see a conflict of interest with his participation and the proposed process was consistent with Best Practices.

Mayor Toms asked if there had been a delay of a start time and whether the City had planned to name an Interim Police Chief if the Interim City Manager/Police Chief had already begun his retirement.

Interim City Manager/Police Chief Gang advised that would be part of the discussions with the City Manager. When the new City Manager was on board at the end of August, at that time she would be provided the finalist list and she was planning on having interviews and a selection within that week.

Interim City Manager/Police Chief Gang had been in conversations with the incoming City Manager who was experienced with the process and was comfortable with the process, which also matched his recommendations and Best Practices around the country.

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Toms reported she had attended the Sewer Rate Increase Workshop on July 2, and the Fourth of July celebrations and drone show and thanked staff for attending the event which was staff intensive on a holiday and much appreciated. She reported on July 8, 2024, the City of Pinole had been accepted into the East Bay Wildfire Coalition of Governments Group, with a Memorandum of Understanding (MOU) approved and presentations on the evacuation process using the Genesis program (formerly Zonehaven), risk reduction, threats, consequences and vulnerabilities, vegetation management, how some jurisdictions were doing in-person lot inspections, a program the City of Berkeley offered for free mesh for vents and gutters, free chipper programs available to Pinole residents, cleanup up of eucalyptus understory and attention to Zone Zero. Zone Zero was known as the area from zero to five feet on a structure where blowing embers that hit a structure could drop to the base of the structure and how that was the riskiest area when there was a wildfire. Some communities were rolling out programs for "zone zero" (ember resistant zone) and the Contra Costa County Fire Protection District (CCCYPD) had provided information on the program on its website.

Mayor Toms reported she had also attended the Rodeo-Hercules Fire District Board meeting and provided a report on the City of Pinole's experience with its contract with the CCCYPD since the Rodeo-Hercules Fire District was considering annexation into the CCCYPD; and the Mayors' Conference where the CCCYPD provided a presentation on wildfire mitigation. She had also attended Movie in the Park. She again thanked staff for working outside the regular 9 to 5 hours.

B. Mayoral & Council Appointments: None

C. City Council Committee Reports & Communications

Mayor Pro Tem Sasai reported he had attended a WestCAT Board of Directors meeting with WestCAT having been awarded a \$20.6 million federal grant to move forward with a hydrogen fuel cell bus and fueling station project. The funds would help to take action on the Zero Emission Fleet Transition Plan. He thanked WestCAT General Manager Rob Thompson and Congressman John Garamendi, who had been instrumental in securing the funding and the Biden-Harris Administration for its leadership making the bipartisan infrastructure law possible, which was funding such grants.

Council member Murphy reminded residents the Pinole Farmer's Market would be held every Saturday from 9:00 a.m. to 1:00 p.m. He also reported he had a meeting with East Bay Regional Parks District (EBRPD) Ward 1 Director Elizabeth Echols, and reported the construction of the trail at Bay Front Park was underway and near completion. He urged people to stay safe around the construction area. He had also attended the WestCAT Board of Directors meeting as an Alternate and was excited about the new hydrogen fuel cell bus and fueling station project.

Council member Murphy noted that AC Transit had been a recipient of the same federal grant and he was pleased East Bay public transit agencies were being funded to move towards a zero-emission vehicle fleet. Further, he reminded the community there were free bus passes for students as part of the Pass to Class program with applications now open on County Connection, AC Transit and Tri-Delta Transit, available while supplies lasted with more information at 511ccc.org/passtoclass.

Council member Tave reported he had attended a West Contra Costa Transportation Advisory Committee (WCCTAC) meeting and briefed the City Council on the discussion about the Richmond Bridge and the third lane/bicycle lane study. He had also attended the Fourth of July celebrations which included the first drone show.

Council member Martinez-Rubin thanked staff, the Interim City Manager/Police Chief, Community Services and Public Works Departments and Pinole Community Television (PCTV) for their involvement in the Fourth of July celebrations, which had been a pleasant experience and the first celebration at Pinole Valley High School. She also expressed her appreciation to the WCCUSD and the Principal of Pinole Valley High School for the use of the field that provided a family-oriented feel and was extraordinary for a first-time drone show. She appreciated the opportunity to see new faces at events that called for public input where certain individuals had not previously participated as it related to a workshop on traffic, and she was pleased to see general support for calming measures in the City of Pinole. She commented that providing venues for communication or interaction had been fruitful with the interaction allowed to happen organically in a non-structured setting. She also appreciated the Senior Center had functioned as a cooling center during the recent excessive heat wave.

D. Council Requests for Future Agenda Items

There were no requests for future agenda items.

E. City Manager Report / Department Staff

Interim City Manager/Police Chief Gang echoed the comments about the Fourth of July celebrations when about 3,000 members of the community had participated. He also recognized the staff who worked on the holiday to serve the community including Community Services and Public Works Departments, PCTV, Pinole Police Department staff and Pinole Valley High School partners. The event had been well organized, ran smoothly, there had been no traffic-related concerns or complaints and while the drone show was different for the community as compared to previous fireworks displays, the associated explosions from fireworks had negative impacts on some residents and he had been humbled by the decision of the City Council to consider a drone show. He reported there had been a reduction in the calls for service for illegal fireworks the Friday before and the Sunday after the holiday.

Interim City Manager/Police Chief Gang was pleased with the effort to educate the public and with the community taking into account the Red-Flag Warnings. He also provided the calls for service statistics for the Fourth of July holiday itself and reported there had been two arrests and four citations for non-compliance with the City ordinance. He found the City Council had been a good partner and saw the need to change verbiage in the PMC allowing the Police Department to cite people setting off illegal fireworks, which enhanced the Police Department's ability to make change.

Interim City Manager/Police Chief Gang further reported that National Ice Cream Day would be held on Thursday, July 18, 2024 from 2:00 to 3:00 p.m. with a free scoop of ice cream at Yumy Gurt; there would be National Night Out Caravan on August 6, 2024, with established Neighborhood Watch Groups to be visited and anyone wanting to schedule a visit was asked to reach out to the Pinole Police Department; National Night Out in the City of Pinole would be recognized on October 1, 2024; and the new City Manager would start on August 26, 2024.

Interim City Manager/Police Chief Gang also provided a statement about political violence and the assassination attempt on former President Trump, which was deeply disturbing. His thoughts were with the former President, his family and the families of the man tragically killed and others injured, and he asked that they stand firmly against any acts of hate, intimidation or violence that sought to undermine democracy or inflict harm, and only through constructive dialogue could they tackle the nation's toughest challenges with voices heard at the ballot box and not through acts of violence. He understood many community members were experiencing increased fear and anxiety due to these events and he hoped that everyone could display patience and understanding amongst each other in the community, and together they could overcome these challenges, unite and allow the City of Pinole to become the beacon of light for America to follow.

F. City Attorney Report: None

PUBLIC COMMENTS OPENED (Items 7E through 7F)

City Clerk Bell reported there were no comments from the public.

PUBLIC COMMENTS CLOSED

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

B. Proclamations

2. Independence Day

The City Council read into the record a proclamation recognizing July 4, 2024 as Independence Day.

3. Bastille Day

The City Council read into the record a proclamation recognizing July 14, 2024 as Bastille Day.

PUBLIC COMMENTS OPENED (Items 8B2 through 8B3)

City Clerk Bell reported there were no comments from the public.

PUBLIC COMMENTS CLOSED

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 Special City Council Meeting on June 25, 2024 and the Minutes of the Regular City Council Meeting on July 2, 2024.
- B. Receive the June 15, 2024 – July 12, 2024 List of Warrants in the Amount of \$2,751,452.99 and July 5, 2024 Payroll in the Amount of \$529,980.50.
- C. Adopt a Resolution to Amend the Master Salary Schedule. **Action: Adopt Resolution per Staff Recommendation (Stacy Shell, Charlene Davis)**
- D. Disposal of Electronic Waste. **Action: Adopt Resolution per Staff Recommendation (Markisha Guillory)**
- E. Fiscal Year (FY) 2023/24 Fourth Quarter Report on Status of Capital Improvement Plan (CIP) Projects. **Action: Receive Report (Sanjay Mishra)**
- F. Approve an Amendment to the Employment Agreement for the City Clerk. **Action: Adopt Resolution per Staff Recommendation (Stacy Shell)**
- G. Adopt a Resolution Declaring Intent for the Levy and Collection of Annual Assessments for the Pinole Valley Road Landscape and Lighting Assessment District (LLAD) for FY 2024/2025, Setting the Date of the Public Hearing, and Approving the Annual Engineer's Report. **Action: Adopt Resolution per Staff Recommendation (Sanjay Mishra)**
- H. Second Reading and Adoption of EV Charging Station Ordinance. **Action: Waive Second Reading and Adopt Ordinance per Staff Recommendation (Sanjay Mishra, Eric Casher)**

PUBLIC COMMENTS OPENED

Rafael Menis provided the following comments on the Consent Calendar:

- Item 9B, while comments had been submitted in writing to the Finance Director, he referenced Page 68 of 302 of the agenda packet, the List of Warrants and Vendor 2869 Bianco Varmint Control, which expense was for the removal of a skunk out of a garage, and which was a great level of detail for reporting what the payment was for. He hoped to see that level of detail in other warrants in the future.
- Item 9E, Pages 114 and 115 of 302 of the agenda packet included a red box with the statement "replace with spreadsheet." He asked whether there was anything of importance missing or whether those pages were random blank pages that should have been removed.

PUBLIC COMMENTS CLOSED

Speaking to Item 9F, Mayor Toms reported the item related to the approval of an amendment to the Employment Agreement with the City Clerk. Pursuant to Government Code 54953 (c)(3), the item would include a recommendation to provide the City Clerk with a 4 percent Cost of Living (COLA) adjustment in accordance with the Employment Agreement amendment. This would have no fiscal impact on the General Fund as the COLA had already been incorporated into the Fiscal Year 2024/25 budget.

ACTION: Motion by Council members Tave/Murphy to adopt Items 9A through 9H, as shown.

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

11. OLD BUSINESS

- B. Resolution Placing ½-Cent Sales Tax Measure on November 5, 2024 Ballot.
Action: Adopt Resolution per Staff Recommendation (Markisha Guillory, Eric Casher)**

Finance Director Guillory presented a PowerPoint presentation for a resolution to place a ½-Cent Sales Tax Measure on the November 5, 2024 ballot, which included an overview of the background and fiscal challenges the City was facing; City Council exploration of a number of revenue enhancement options which led to the proposed ½-Cent Sales Tax Measure, survey which indicated that 62 percent of Pinole voters would support an additional ½ cent sales tax and the priorities identified by residents for new funding.

City Attorney Cashier continued the PowerPoint presentation and provided the background of the sales tax authorization and highlighted the proposed measure; oversight; proposed ballot question; procedures; fiscal impact and minor revisions to the proposed resolution and ordinance in the published agenda, which had a typographical error referring to Revenue and Taxation Code Section 7292.8 as one of the relevant statutes with the references to be removed as part of the final documents.

City Attorney Cashier recommended the City Council adopt a resolution placing a ½ Cent Sales Tax Measure on the November 5, 2024 ballot.

Council member Tave asked whether the City had maxed out the number of words in the proposed ballot question, and City Attorney Cashier confirmed they were close to the maximum.

Council member Murphy asked for clarification as to when the tax would be implemented if approved by the voters, to which City Attorney Cashier explained the vote would have to be certified after the November ballot.

Finance Director Markisha Guillory added that due to administration to get the information out to the various retailers, there was an administrative component which was why the tax, if approved, would not be implemented on January 1, 2025 but on April 1, 2025. The tax and fee would be administered by the state.

Council member Murphy asked that that information be laid out for the public

City Clerk Bell also added the arguments for and against the ballot measure would be included in the Voter Information Guide. There was an entire process that outlined the arguments, a guide published by the County, which she would publish on the City Clerk website and would also be available to the public upon request.

Mayor Toms understood the process was that the City publish an argument for with an opportunity for someone to publish something against the ballot measure, with a rebuttal able to be filed.

City Clerk Bell advised that information would also be available to the public and interested parties. Persons interested in participating in that process were encouraged to contact the City Clerk's Office.

Mayor Toms understood before the ballot measure was submitted the entire City Council could be signatories, if desired, and she asked whether that would be a decision to be made at a future City Council meeting.

City Attorney Casher advised there could be five signatories. The resolution provided for the Mayor to sign as the City Council representative. Typically, and in consultation with The Lew Edwards Group, it was Best Practice to include as other signatories, other representatives of the City such as a small business owner or a member of a community organization to show broad-based support, but there could only be five signatories.

PUBLIC COMMENTS OPENED

Rafael Menis supported the proposed half cent sales tax measure, the City needed the revenue it would raise, the protections state law required limited it from being applied to regressive categories, such as food and medicine, making it a less regressive tax and given the relative popularity of the tax as compared to others based on the City's survey data, made it the best choice for the City at this time. While he understood they were close to the word count limit, he recommended the ballot question be modified as follows, if possible:

To maintain Pinole's fiscal stability, prevent cuts, provide essential City services such as: maintaining 911 emergency response times/fire prevention; preventing property crimes; keeping public areas/parks safe and clean; providing clean water; repairing potholes/streets; retaining/attracting local businesses; other general services; shall a measure be adopted establishing a 1/2¢ sales tax providing \$2,500,000 annually until ended by voters if approved by the State, requiring audits, spending disclosure, with all funds spent for Pinole?

Irma Ruport understood the City needed to move forward and place the half cent sales tax measure on the November ballot.

Ms. Ruport thanked Council member Murphy for working with legislative advocates for the sales tax measure and the support he had given the sales tax, and the entire City Council and staff for all of their work on this sales tax measure.

PUBLIC COMMENTS CLOSED

Council member Tave suggested the ballot question be further modified since it ended with a question and read oddly with all of the commas and semi-colons. He recognized they were trying to get a lot across. He recommended the ballot question be modified to read:

To maintain Pinole's fiscal stability, prevent cuts, provide essential City services such as: maintaining 911 emergency response/fire prevention; preventing property crimes; keeping public areas/parks safe and clean; providing clean water; repairing potholes/streets; retaining/attracting local businesses; other general services; shall a measure be adopted establishing a 1/2% sales tax providing \$2,500,000 annually until ended by voters if approved by the State, requiring audits, spending disclosure, all funds will be spent in Pinole?

Mayor Toms noted this was a question to the voters.

Council member Tave again questioned why the ballot question ended with a question mark.

Mayor Toms commented that if the City Council adopted the resolution, she asked if it was being adopted as the ballot language stated or whether there was room for edits after this meeting.

City Attorney Casher sought final language at this time. He liked the addition of the conjunction Council member Tave offered but the ballot question must end with a question mark given it was a question being asked of the voters. He noted the consultant was also protective of the language, since the language had been polled as part of the survey that had done so well and the consultant may be concerned with potential changes in the outcome. While the ballot question was a bit clunky, it had polled well. He added the consultant was not present at this time.

Council member Murphy asked whether the last statement that reads *all funds spent in Pinole?* was necessary.

City Attorney Casher explained that it was getting to the idea that a portion of the tax was not going to the county or anywhere else, with the revenue to be generated by the sales tax measure for the City of Pinole and which was why the language was as shown.

Council member Murphy supported the language as is, and while it was awkward he would be open to remove the last few words, as described.

Council member Tave reiterated his concern with the last few words of the ballot question, as discussed, and suggested another line could be considered to take away the question mark.

Mayor Pro Tem Sasai understood as the City Attorney stated the consultant had recommended language, which was exactly as presented in the poll minus the language *if approved by the State*.

City Attorney Casher confirmed the ballot language was consistent with minor tweaks from the polling survey that had been heavily vetted. He again read the ballot language into the record, as shown in the staff report and PowerPoint presentation, and again explained why the verbiage had been used as shown.

Mayor Pro Tem Sasai trusted the consultant's verbiage and the need to be as close to the polling as possible.

Council member Tave offered a motion, seconded by Council member Murphy to approve the resolution, as shown.

Council member Martinez-Rubin suggested further edits if the final word count allowed, as follows:

To maintain Pinole's fiscal stability, prevent cuts, provide essential City services such as: maintaining 911 emergency response times/fire prevention; preventing property crimes; keeping public areas/parks safe and clean; providing clean water; repairing potholes/streets; retaining/attracting local businesses; and other general services; shall a measure be adopted establishing a 1/2¢ sales tax providing \$2,500,000 annually until ended by voters, if approved by the State, requiring audits, spending disclosure, all funds be spent for Pinole?

Council member Murphy commented on the challenges of ballot measures, noted the voter guide was not meant for proper English, and the characterizations did not equate. He understood the concerns with making the ballot language read better.

Mayor Toms asked whether the resolution could be adopted in a way that allowed those edits and some discussion with the consultant or after double checking the word count.

City Attorney Casher stated the changes proposed by Council member Martinez-Rubin and the proposed edit by Mr. Menis would result in the ballot question to read:

To maintain Pinole's fiscal stability, prevent cuts, provide essential City services such as: maintaining 911 emergency response times/fire prevention; preventing property crimes; keeping public areas/parks safe and clean; providing clean water; repairing potholes/streets; retaining/attracting local businesses; and other general services; shall a measure be adopted establishing a 1/2¢ sales tax providing \$2,500,000 annually until ended by voters, if approved by the State, requiring audits, spending disclosure, with all funds spent for Pinole?

City Attorney Casher advised with direction from the City Council assuming those edits could be made within the allowable word count, those changes could be made, but if the changes impacted the word count, the City Council's approval would be left as-is.

Council member Tave as the maker of the motion, suggested the motion be modified to approve the resolution as-is with direction that if the changes could be made, that would be done. He asked whether The Lew Edwards Group had to approve the changes.

Council member Murphy as the second to the motion, accepted the modification.

City Attorney Casher advised The Lew Edwards Group did not have to approve the ballot question but he would consult with them and the Finance Director and everyone who had consulted on this matter, although he acknowledged that this was a City Council decision.

ACTION: Motion by Council members Tave/Murphy to adopt a resolution Placing a ½ Cent Sales Tax Measure on the November 5, 2024 ballot, as-is, with the current direction to modify the ballot question as follows:

To maintain Pinole's fiscal stability, prevent cuts, provide essential City services such as: maintaining 911 emergency response times/fire prevention; preventing property crimes; keeping public areas/parks safe and clean; providing clean water; repairing potholes/streets; retaining/attracting local businesses; and other general services; shall a measure be adopted establishing a 1/2¢ sales tax providing \$2,500,000 annually until ended by voters, if approved by the State, requiring audits, spending disclosure, with all funds spent for Pinole?

With the ballot question, as modified, to be approved by the consultant in terms of the word count and content to ensure it did not impede on the success of the ballot measure.

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

Council member Murphy understood ballots would come out to voters on October 7, 2024. He asked that The Lew Edwards Group be present for future meetings when discussing the ballot measure and asked about the process moving forward for public education.

Finance Director Guillory advised staff had standing meetings with the City Attorney and The Lew Edwards Group and staff would start to work on the community engagement plan now that the ballot question had been approved. No schedule had been set as yet but staff would be meeting with The Lew Edwards Group and would get a calendar together.

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.*

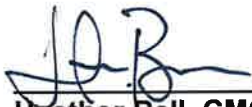
Deputy City Clerk Stone reported there were no comments from the public.

Mayor Toms asked that the meeting adjourn in memory of City of Vacaville Police Officer Matthew Bowen, who had been tragically killed while performing a traffic stop on July 11, 2024, and who was survived by his wife and two young sons. She offered her condolences to the City of Vacaville and to Officer Bowen's family.

- 14. ADJOURNMENT** to the Regular City Council meeting of August 6, 2024 in Remembrance of Amber Swartz and City of Vacaville Police Officer Matthew Bowen.

At 10:56 p.m., Mayor Toms adjourned the meeting to a Regular City Council meeting on August 6, 2024 in Remembrance of Amber Swartz and City of Vacaville Police Officer Matthew Bowen.

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council: August 6, 2024

