

**CITY COUNCIL MEETING
MINUTES
August 20, 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 5:00 p.m. and led the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT

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

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

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

A. COUNCILMEMBERS PRESENT

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/Chief of Police
Heather Bell, City Clerk
Eric Casher, City Attorney
Markisha Guillory, Finance Director
Sanjay Mishra, Public Works Director
Fiona Epps, Assistant to the City Manager
Lilly Whalen, Community Development Director
David Hanham, Planning Manager
Kapil Amin, Sustainability Fellow
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on August 16, 2024, at 2:30 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 to the City website and made available to the public in the Council Chambers.

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

4. CONVENE TO A CLOSED SESSION:

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 LABOR NEGOTIATORS

Gov. Code §54957.6

Agency designated representative: City Attorney Eric Casher

Unrepresented employee: Interim City Manager

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Gov. Code §54957

Title: Interim City Manager

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

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

At 6:40 p.m., Mayor Toms reconvened the meeting into open session. There was no reportable action from the Closed Session.

6. CITIZENS TO BE HEARD (Public Comments)

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

Rafael Menis provided an update on the prevalence of COVID-19 in Contra Costa County, including hospitalization rates in the State of California, which had declined a bit but which were higher than February 2024. While most sites did not have wastewater data available, the national level systematic rate per 1,000 increased to 8.82. He suggested the continued wearing of masks in crowded indoor spaces for those at risk and while a new round of vaccinations had yet to be approved, he encouraged people to get their booster shots.

Mr. Menis also highlighted why he was running for the office of City Treasurer in an effort to protect the City's future by ensuring the City's finances were more accessible to the community and with hopes the community would hold the City accountable and take actions to make that happen. He was also running for office because in 2022 and currently, 34 percent of the surveyed public did not know enough about the City's budget to have an opinion whether the City was doing well or poorly. The City's finances could not be safeguarded unless the community was aware how funds were being used. He suggested available information should be made more accessible and the City work on being accountable, with more routine access by members of the public and with more Town Hall-like events.

Irma Ruport expressed concern with the recruitment and hiring of the new Police Chief since the new City Manager would not be onboard until August 26, 2024, and the Interim City Manager/Police Chief remained involved in the recruitment process until the new City Manager was onboard. She understood the City received 14 applications for the position of Police Chief, seven of which involved current or former Police Chiefs, with six of the applicants having moved forward to formal interviews scheduled for August 26, 2024; however, this was contrary to a statement made by the Human Resources Director via an email dated August 12, 2024, which she read into the record at this time.

Per the information in the email, Ms. Ruport questioned why a consultant would select the top six candidates. She asked whether the Human Resources Department had been involved in the process, why the process could not be held back until the new City Manager was onboard and whether a full vetting process including the City Council had been done. She also questioned why was there a rush to select a candidate and questioned whether someone had already been selected. She further questioned the transparency to the public and emphasized the importance of selecting the right candidate to serve the community.

Ms. Ruport reported when she moved to the City of Pinole 48 years ago her neighborhood had the highest crime rate in the City. She highlighted some of the crime statistics in her neighborhood at that time based on a one-year period, which was why she had decided to become involved in public safety and ultimately had been appointed to a Citizens' Safety Advisory Committee, which had prepared a report of recommendations for the City. She asked whether that report had been made available and read by all and asked that the report be posted on the City website. She added the current consultant for the Police Chief recruitment process had conducted a survey and she suggested the responses from that survey would likely have been similar to the recommendations in the report. As such, a consultant may not have been needed for the Police Chief recruitment process. She questioned the role of the Human Resources Director in this process.

Ms. Ruport commented she had a Business Degree in Concentration and Human Relations, Personnel Administration and Industrial Relations. She suggested the recruitment process for Police Chief had been wrong and should start over because there had been no public involvement or transparency. Further, she commented her husband, a self-employed attorney for over 30-years had written a statement for Citizens to be Heard on this issue and she asked that his comments be distributed to all. She otherwise thanked the Pinole Police Department and the Police Chief but sought more public involvement by the community given the importance of the position of Police Chief. She again asked that the report from the Citizens' Safety Advisory Committee be posted on the City website.

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements:

Mayor Toms reported she had attended a WestCAT meeting and highlighted the preparations for Clean Air Day scheduled for October 2, 2024, and the start of a process to evaluate micro-transit in the area.

B. Mayoral & Council Appointments: None

C. City Council Committee Reports & Communications

Council member Murphy thanked the community for its engagement reaching out on different issues and reported he had meetings with residents on many issues including roads. He also commented on the completion of the repair work on the Bay Front Regional Park Trail and he thanked City staff and the East Bay Regional Parks District (EBRPD) for making that possible. He also welcomed new business Good Vibes and Wellness Shop and thanked the Bay Front Chamber of Commerce for inviting him to the Grand Opening.

Council member Tave asked staff to provide an update on the status of the construction site on Appian Way and housing development proposed for the former Kmart site.

Council member Martinez-Rubin reported the City Council received a internal email related to pedestrian safety or the lack thereof in the City regarding an accident at the intersection of San Pablo and Tennant Avenues. The Police Department shared a press release involving a collision on San Pablo Avenue involving a motorcycle driver. She emphasized the need to encourage everyone whether residents or visitors to the City to slow down and be aware.

D. Council Requests for Future Agenda Items: None

E. City Manager Report / Department Staff

Interim City Manager/Police Chief Gang reported the Public Works Department would be conducting striping work this week on Pinole Valley Road from the City limits to Tennant Avenue, Tennant Avenue and a portion of San Pablo Avenue, with police officers to escort workers through the process.

Assistant to the City Manager Fiona Epps took the opportunity to provide a tutorial of the new City website and welcomed any comments or suggestions.

Interim City Manager/Police Chief Gang also announced prior to the start of the regular City Council meeting scheduled for September 3, 2024 at 4:30 p.m., a promotional process would be held for Commander Matt Avery, who would serve as the Acting Police Chief from September 5, 2024, until the newly elected Police Chief's start date.

Interim City Manager/Police Chief Gang emphasized Commander Avery would serve the City and the community well in the position and everyone was encouraged to participate in the celebration.

F. City Attorney Report: None

PUBLIC COMMENTS OPENED (Items 7D through 7F)

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

PUBLIC COMMENTS CLOSED

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Recognizing City Council Interns Phoebe Deza and Ileana Miranda-Uch

The City Council read into the record a proclamation recognizing City Council Interns Phoebe Deza and Ileana Miranda-Uch.

PUBLIC COMMENTS OPENED

Phoebe Deza and Ileana Miranda-Uch thanked the City Council and staff for the opportunity to serve as City Council Interns.

PUBLIC COMMENTS CLOSED

B. Presentations

1. Sales Tax Ballot Measure Update

Catherine Lew, Co-Founder, The Lew Edwards Group, congratulated the City on its new website and new City logo. She took the opportunity to provide a PowerPoint presentation on the Best Practices for a Municipal Election of Communications and City of Pinole Information related to the November 5, 2024 General Election, which included an overview of the rules of the road, recommended municipal election toolkit, toolkit status, thumbnail schedule and the Best Practices for City Council Roles.

Responding to questions from the City Council, Ms. Lew clarified:

- The Contra Costa County Clerk Recorder identified the City of Pinole's Sales Tax Measure as Measure I. (Murphy)
- The City of Pinole had a constitutional free speech right to issue factual and impartial communication about the municipal election and Measure I. The content developed with the City Attorney and City staff included information about Measure I, Frequently Asked Questions (FAQs), the PowerPoint presentation, referenced official measure documents, City staff reports and facts.

City Council members were free to express their opinions including any perspective for or against Measure I in their free time and outside of the building when not using City resources. (Murphy)

- The City had a robust list of elected officials that may include school board or college district members, City Commissioners, executive directors of non-profit organizations and individuals and organizations who may be invited to a State of the City Program and The Lew Edwards Group, with staff to review the list to ensure it was thorough and up to date. A FAQs sheet and City Manager or Finance Director correspondence would be issued to those individuals as updates on the municipal elections. The Lew Edwards Group and staff would also brainstorm along with City Commissions and other organizations looking over a community organization list to ensure it was up to date and current and provide municipal election information to those organizations. (Martinez-Rubin)
- It was anticipated that communications would be provided to all households in Pinole and not be limited to voting households or registered voters, with the understanding the City had an inclusive manner with its communications, a tradition that would continue. (Martinez-Rubin)

PUBLIC COMMENTS OPENED

Rafael Menis understood elected officials were limited on what they could say about the sales tax measure, but asked whether appointed officials of the City such as Planning Commissioners were also limited or less so.

Mayor Toms clarified a Planning Commissioner had the City's email and she asked what communication, if any, could be used to disseminate information versus opinion or a link to the FAQs fact sheet.

City Attorney Eric Casher explained that public resources could not be used for what was considered a campaign purpose, which included City emails. The City Attorney's Office and staff were preparing a guide for the City Council and City Commissions to provide further direction on the topic. Any further questions could be posed to the City Attorney's Office.

PUBLIC COMMENTS CLOSED

Mayor Toms thanked Ms. Lew for the presentation.

2. City Council Intern Program

Phoebe Deza and Ileana Miranda-Uch provided a PowerPoint presentation on the City Council Intern Program, which included an overview of their backgrounds and experiences as the first City Council Interns for the 2024 City Council Internship Program and as students of Pinole Valley High School; the process for weekly check-ins with Mayor Pro Tem Sasai and community events attended where photographs were also taken including hosting the Valentine's Card for the Seniors and Seniors for Seniors events at the Senior Center.

In addition, the interns participated in the Asian Pacific Islanders (API) Legislative Caucus event, provided outreach to fellow students on civic engagement, tabling at Farmer's Markets, meetings

with the Mayor and staff to learn about their roles in the City and emailing local organizations/locations to highlight their work and help to organize and support community events.

City Council Interns Deza and Miranda-Uch also highlighted how the City Council Intern Program affected the Pinole community, benefited them and their future plans and advised a handbook would be provided for future interns.

Mayor Pro Tem Sasai thanked Interns Deza and Miranda-Uch for the presentation. He also clarified their favorite part of the intern program had been the connection with the community, learning about and appreciating everyone's roles and their part in keeping the City operating along with a connection to youth in the City of Pinole.

Council member Murphy thanked Interns Deza and Miranda-Uch for the presentation and taking the chance participating in the pilot City Council Intern Program which had been a valuable exposition for the City. He also applauded them for recognizing what the City did for all people and the development of the Internship Handbook. He encouraged both interns to reach out to the City Council on future endeavors that had inspired him to support the program and future potential programs.

Council member Tave also thanked Interns Deza and Miranda-Uch for participating in the City Council Intern Program and providing continuity for the program to grow, and to the Mayor Pro Tem for spearheading the program. He otherwise asked how much time the interns spent each week as interns or time spent month-to-month and what the interns wanted to provide for future interns.

Interns Deza and Miranda-Uch explained they had been told to spend a maximum of 15-hours per week as interns. They detailed some of the work done in the past year to maximize their hours and noted Mayor Pro Tem Sasai had been flexible and accommodating to their schedules. They otherwise suggested in the future there be more structure on the projects or recommendations the interns should work on since they were initially unsure how to proceed with projects they were interested in.

Council member Martinez-Rubin also thanked Interns Deza and Miranda-Uch for the presentation and the creation of the Intern Handbook and was informed the Intern Handbook was public information.

Interns Deza and Miranda-Uch also commented, when asked, that many youth members were passionate about opinions but were uncertain of the process of attending City meetings to share their opinions through a formal process. They had helped to guide those individuals through the City's processes and also suggested better advertising of City Council meetings to ensure the public was aware of the meetings and the ability to provide public comments. As to whether they had received any input from the public on how to make the City's meetings more attractive to attend, most of the opinions from the public was that City Council meetings were long, speakers were unsure when to speak and there could be better clarification that people could speak at the beginning of a meeting on any topic not on the agenda.

Mayor Toms also thanked both interns and applauded their interest in continuing to work in City government.

PUBLIC COMMENTS OPENED

Irma Ruport thanked Mayor Pro Tem Sasai for bringing the City Council Intern Program to the City. As a current Community Services Commissioner, she wanted to see the program be expanded and the same PowerPoint presentation provided to the Community Services Commission. She also understood the City of San Pablo had a Junior Student Body Council and she wanted the City of Pinole to consider a similar program with the current interns used as a role model.

PUBLIC COMMENTS CLOSED

Mayor Pro Tem Sasai thanked the City Council for approving the pilot City Council Intern Program. He recognized there was more room for structure and impacts. He also thanked Contra Costa County Supervisor John Gioia's staff for meeting with him to draft the structure for this program, and Interns Deza and Miranda-Uch for their initiative and for stepping into the space and using their voices on the projects they wanted to see carried through. He was excited to see what they would do in the future.

9. CONSENT CALENDAR

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

- A. Approve the Minutes of the Regular City Council Meeting on August 6, 2024.
- B. Receive the August 3, 2024 – August 16, 2024 List of Warrants in the Amount of \$745,406.52 and the August 16, 2024 Payroll in the Amount of \$520,218.81.
- C. Letter of Concern Regarding Proposed Scotts Valley Mega Casino and Tribal Housing Project in Solano County. **Action: Consider Approval of Letter per Staff Recommendation (Heather Bell)**
- D. Issue Letter of Support for the City of Pinole and Richmond Community Foundation's Application to the Partnership for the Bay's Future Policy Fund Grant. (Cohort 3). **Action: Approve Letter of Support per Staff Recommendation (Lilly Whalen)**

PUBLIC COMMENTS OPENED

Rafael Menis offered the following comments on the Consent Calendar:

- Item 9B, reported he had emailed questions to the Finance Director and the City Attorney regarding Page 19 of 945 of the agenda packet, and the two charges shown for Vendor:

MEY01 – Meyers Nave, a Professional Corporation, dated August 9, 2024, and asked for clarification of the two charges.

- Page 20 of 945 of the agenda packet, Vendor 2817 – Redwood Public Law, LLP, there appeared to be duplicate charges shown. He asked how those charges had been identified and whether there was a process to ensure duplication did not reoccur. He also sought more definition for City Attorney services, as shown on Pages 20 and 21 of 945 of the agenda packet.
- Item 9D, asked whether the City had any idea of the fiscal impact of support services the City would have to provide when applying for the Partnership for the Bay's Future Policy Fund Grant (Cohort 3) and whether the costs would be offset by the grant.

PUBLIC COMMENTS CLOSED

Community Development Director Lilly Whalen stated she had no response at this time to the question related to Item 9D, which information would be clarified if the grant was awarded to the City and at which time the City Council would be informed of the costs. She added the items the City would apply for would be implemented through the City's Housing Element.

City Attorney Casher clarified the questions related to Item 9B. He advised that two attorneys from Meyers Nave were still handling matters for the City of Pinole including a litigation case involving MVP Construction and labor employment, and the date in the warrant list was the date payment had been made. As to the concern with potential duplications for City Attorney services, he clarified the multiple invoices paid on the same date.

Finance Director Guillory confirmed the information provided by the City Attorney had also been provided in an email to Mr. Menis.

ACTION: Motion by Council members Murphy/Martinez-Rubin to adopt Items 9A through 9D, as shown.

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

10. PUBLIC HEARINGS

- A. Extension of Entitlements for Pinole Vista Project 223-Units 1500 Fitzgerald Drive, ROIC Development. **Action: Conduct Public Hearing and Adopt Resolution per Staff Recommendation (David Hanham)**

Planning Manager David Hanham presented the staff report dated August 20, 2024. Planning Manager Hanham recommended the City Council hold the public hearing and adopt a resolution to extend the entitlements approved in Resolution 22-96 for the Pinole Vista Apartment Complex at 1500 Fitzgerald Drive (APN: 426-391-010) through October 18, 2026.

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

- The City's Building Official may inspect the building to ensure it was not leaking, was not a blight and was secure from the public, which would be done through an administrative process. (Tave)
- The applicant planned to submit a demolition permit in the next year and staff had been working with the applicant on other work that needed to be done on the property including a Lot Line Adjustment (LLA). (Tave)
- The project would use union labor due to a separate agreement that did not involve the City. (Martinez-Rubin)

Chris Cole, ROIC, LP, c/o Metrovation/Chris Cole, Inc., the applicant, appreciated the staff breakdown of the request. He clarified ROIC proactively went out to the unions and worked within them to create a Project Labor Agreement (PLA) that was mutually agreeable. He referred to the costs of construction due to the impacts of COVID-19 and higher interest rates, which had substantially increased the costs of the project. There had been a process of engagement with City officials, staff and the community to create a building that would be an asset to the community, and with that were certain costs. The applicant wanted to keep the initial design and he noted construction costs appeared to be leveling off and he hoped interest rates would also decrease to allow the project to move forward. ROIC had been working with a developer in the Seattle area and they were discussing this project and another project in the City of Novato, but the applicant had not yet selected a developer.

Responding to Council member Martinez-Rubin, Mr. Cole clarified the PLA Agreement that went with the property and the entitlements.

In response to the Mayor as to whether there were any concerns from the Contra Costa County Fire Protection District (CCCFPD) and its ability to respond to a fire in a five-story building, Community Development Director Whalen reported staff was updating the City's Development Impact Fees to be presented to the City Council in the fall. Staff was working with the CCCFPD on the appropriate fire fees in the future and needed equipment, which would include a new ladder truck.

PUBLIC HEARING OPENED

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

PUBLIC HEARING CLOSED

ACTION: Motion by Council member Murphy/Mayor Pro Tem Sasai to adopt a resolution to extend the entitlements approved in Resolution 22-96 for the Pinole Vista Apartment Complex at 1500 Fitzgerald Drive (APN: 426-391-010) through October 18, 2026.

Vote: Passed 5-0

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

11. OLD BUSINESS

- A. Approve Resolutions Adopting an Initial Study-Negative Declaration (IS-ND) and Adopting Pinole's Inaugural Climate Action and Adaptation Plan (CAAP). Action: Adopt Resolutions per Staff Recommendation (Kapil Amin, Lilly Whalen)**

Community Development Director Whalen introduced Hannah Mize, Rincon Consultants, Inc., who provided a PowerPoint presentation for the City of Pinole Climate Action and Adaptation Plan (CAAP), which included an overview of the goal of the meeting to approve the Initial Study/Negative Declaration (IS-ND) and adopt the CAAP; vision of the CAAP; CAAP development process and building on the City's foundation per Resolution 2021-93, a Resolution of the City Council of the City of Pinole, County of Contra Costa, State of California, Declaring a Climate Emergency and Directing Staff to take Certain Actions. She also highlighted the California Environmental Quality Act (CEQA) analysis and streamlining and the implementation timeline.

Sustainability Fellow Kapil Amin continued the PowerPoint presentation and highlighted the additional community outreach and updates made based on feedback.

A brief demonstration was also provided on the CAPDash Tool and Ms. Mize confirmed training would be provided to City staff for CAPDash.

Community Development Director Whalen asked that the City Council receive the presentation on the CAAP, approve the draft resolution adopting the CAAP's IS-ND and approve a draft resolution adopting Pinole's CAAP.

Responding to questions from the City Council, Community Development Director Whalen clarified:

- The CAAP included a number of partnerships to implement the CAAP. (Martinez-Rubin)
- The CAPDash Tool would be updated as future inventories were updated and on a regular basis staff would update the actions and accomplishments to be taken on the actions. (Martinez-Rubin)
- The CAPDash Tool would be posted on the CAAP website or a link taking a user from the main website to the CAPDash Tool. (Martinez-Rubin)
- The CAPDash Tool would show the City was making progress on actions in the CAAP and engage the community on transparency on the work the City was doing. (Martinez-Rubin)
- Annual reports would be provided to the City Council that would be more robust, comprehensive and include all activities for the year. A Peer Program activity identified in

the CAAP, as an example, would be put out and people would have to take advantage of the program. Also, the Electrification Resource Center as part of the CAAP was another example and would provide information to the public to make decisions about individual households and businesses. (Martinez-Rubin)

- The CAAP had listed a number of grants in which staff was aware to be paired with actions in the CAAP, which also identified the recent grants in which the City had applied. As the CAAP was updated, those activities and opportunities would be updated. Staff assumed most of the CAAP implementation would be funded via grants. (Mayor Pro Tem Sasai)

PUBLIC COMMENTS OPENED

Mr. Menis provided the following comments on Item 11A:

- Page 158 of 945 of the agenda packet, a number of actions had been moved from Implementation Phase II to Phase I and had also been shown in Attachment F, Page 827 of 945 of the agenda packet, and he asked whether the changes would be made to the final document.
- Page 186 of 945 of the agenda packet, Strategy BE: Building Energy, Measure BE-1, Electrify 100 percent of new construction in the City by 2024, BE-1a, asked whether the City was on track to adopt this measure in 2024.
- Page 188 of 945 of the agenda packet, Measure BE-3, Electrify existing commercial and mixed use (i.e. combined commercial and residential) buildings to reduce natural gas consumption by 26% by 2030 and 100% by 2025; BE-3a and BE-3b, asked whether the City was on track to be able to accomplish those items in 2024.
- Page 224 of 945 of the agenda packet, Table 5: Cumulative Projects Scenario, as shown, asked whether the delta in population would affect any of the estimates made, change future projections in cumulative projects and suggested references to "error reference source not found" be updated.
- Page 563 of 945 of the agenda packet, Table 4, Strategy BE: Building Energy GHG Emission Reduction Strategy BE-4, had not referenced a reduction by 2045 and he asked why that was the case.

Anthony Vossbrink referenced actions the City of Pinole could do now without waiting for years to effect climate action change within the City including reducing carbon emissions. While the City prohibited the construction of new gas station build outs, he stated there were multiple stop signs or stop lights along Pinole Valley Road which caused high emission rates, did not have to operate 24/7 and could be turned off during specific times in the evening.

Mr. Vossbrink noted there were several statewide action groups that had shown a reduction in carbon emissions by curtailing stop and go driving. He suggested the City implement a six-month study or test to reduce carbon emissions as recommended.

PUBLIC COMMENTS CLOSED

Responding to the comments from the public, Ms. Mize clarified if something had changed from Phase I to Phase II, they had been renumbered and some of the numbering had been shifted around but all had been updated in the final document to be sequential. The error messages in some of the tables in the IS would be corrected. As to whether the electrification ordinance would be done by the end of this year, Community Development Director Whalen was confident the City would be on track for that to be done by the end of the year, with the REACH Codes to slip into next year.

In response to the questions on the population graphs, Emily Saul, Sustainability Planner, Rincon Consultants, explained that the population projections effected the emission forecasts used to set the Greenhouse Gas (GHGs) emission reduction targets in the CAAP and the GHG emission reduction potential from each of the measures once implemented, each moved in a proportional way, and an increase in population would increase the forecast and targets and also make reduction increases in a proportional way and all would even out. She also clarified the table referencing the service population would be the population for residents and employees of the City of Pinole.

In response to the question on Page 563 of 945 of the agenda packet, Ms. Saul explained in 2030 it was expected Marin Clean Energy (MCE) would provide electricity with some level of GHGs emissions and an emission factor above zero. In 2045, the state would already be moving towards electricity with zero GHGs due to the renewable portfolio standard, with the benefit of switching from 100 percent renewable energy via MCE, which had only been accounted for in 2030 because electricity emissions would already be zero by 2045.

Mayor Toms also noted that syncing traffic signals or shutting them off during non-peak periods per the strategies under transportation had not been identified.

ACTION: Motion by Council members Murphy/Martinez-Rubin to adopt a Resolution Adopting an Initial Study-Negative Declaration for the City of Pinole's Climate Action and Adaptation Plan and adopt a Resolution of the City Council Adopting the Climate Action and Adaptation Plan.

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

12. NEW BUSINESS

- A. Receive a Report on Energy Conservation, Generation and Storage Assessment (CIP PROJECT #IN2201). Action: Adopt Resolution per Staff Recommendation (Sanjay Mishra)**

Public Works Director Sanjay Mishra introduced Brennan Herdt, Lead Auditor, Tetra Tech who provided a PowerPoint presentation on Energy Conservation, Generation and Storage Assessment for all City Facilities, which included an overview of the project goals for energy conservation, energy generation and storage and electric vehicle (EV) impacts. The results of

the assessments of City facilities including the Senior Center, Pinole-Hercules Wastewater Treatment Plant, City Hall and Public Safety Building, Swim Center, Lighting Upgrades, Energy Dashboard, EV Charging and the funding sources were all highlighted.

Mr. Herdt explained that the City of Pinole had many opportunities to reduce energy costs, reduce GHGs and improve resilience of critical facilities and there were many resources available to the Public Works Department for funding, although rebate and grant programs had funding limits and expiration dates and the time to act was now.

Responding to questions from the City Council, Mr. Herdt, Kristin Webster, Tetra Tech Onsite Generation Engineer and Public Works Director Mishra clarified:

- Specific projects had been outlined in detail in the staff report to achieve the goals of conservation, generation and storage assessment. Most of the projects could be bundled by measures and had been broken down into sections of projects to allow the City Council and the Public Works Department to make decisions on what components to choose. The total project costs and savings had been detailed in Table ES.1, Recommended Energy Measures as shown on Page 839 of 945 of the agenda packet, and a separate breakdown of the costs for the microgrid studies in Table C.5: Cost Estimate, as shown on Page 878 of 945 of the agenda packet. (Murphy)
- PG&E had not installed meters on all City street lights but had taken into account the number of fixtures believed to be in place and created an estimate of usage per month and as the City conducted upgrades that had not been reflected in PG&E bills. Making updates and submitting invoices to PG&E to demonstrate existing fixtures would bring down the costs significantly based on estimated usage of the fixtures. Acknowledged a request the Report be updated to clarify which projects were moving forward and which were not. (Murphy)
- Upgrades to the Pinole-Hercules Wastewater Treatment Plant were again highlighted. Projects not included in the Capital Improvement Plan (CIP) included the boiler operational improvement but upgrade recommendations would be considered by the Treatment Plant Manager, in terms of how to reduce energy. Acknowledged a request to track savings over time and budget over five, ten years and the like. (Murphy)
- The MCE Commercial Flex Program was highlighted. Public Works Department staff had not made application for the program as yet with some equipment upgrades needed to be completed prior to signing up for the program. (Murphy)
- The California Energy Commission (CEC) loan was clarified. Staff would have to check with the City's Grant Writer whether the City had applied for the loan and identify the projects that may apply. Staff was discussing grant opportunities with the City's Grant Writer. The City had recently been awarded a Decarbonization Grant in the amount of \$760,000, which would allow for system design work, and the photovoltaic (PV) project at the Pinole-Hercules Wastewater Treatment Plant may be eligible for these grant funds. (Murphy)

- The Senior Center projects were again highlighted with a recommendation there be more PVs at the Senior Center, but more canopy structure would be needed to increase the power structure for the facility. If reducing the size of the canopy, it would not be in-line with the recommendations. The size of the canopy had been reduced since the City had used all available area. If the canopy was redesigned with higher wattage solar panels, it may be possible to meet the recommended canopy size. (Martinez-Rubin)

Ms. Webster provided the details of the load design for the Senior Center and advised the net zero capacity for PV loads was currently 82 kilowatts. PG&E would allow for 150 percent of design capacity and could go up to around 120 kilowatts. When EV charging was added to the site, it was expected that an additional 40 kilowatts of PV would be required to cover the additional load from the EVs. At this time, 82 kilowatts would be the design capacity for PV to cover the net zero load at the Senior Center.

- Acknowledged a recommendation to reduce the amount allocated if that total was not needed and place those funds elsewhere for something that had been identified in the Report. (Martinez-Rubin)
- Clarified the energy conservation measure costs as shown in the Report, and acknowledged a recommendation to take a look at the dollar amount in the recommendations for the total allotted for the CIP work at the Senior Center given the findings of the assessment that there was factual information to support to see the improvements suggested in the Report. (Martinez-Rubin)
- The construction costs for the Pinole-Hercules Wastewater Treatment Plant could come from the Sewer Enterprise Fund. (Martinez-Rubin)
- Clarified the figures in Table C.15: Senior Center EV Revenue and Table C.16: Senior Center EV Revenue, as shown on Page 891 of 945 of the agenda packet, with the figures in the column Simple Payback, the years it would take to pay back the investment. (Martinez-Rubin)
- The Senior Center microgrid was again clarified with natural gas the preferred fuel source. Clarified when the microgrid was connected to the larger grid, if there was a deficiency in battery storage or production energy would be drawn from MCE, but in the event of a prolonged power outage to fully support the load of the building, added generation would be needed on-site. Clarified 30 kilowatts would be continuous generation. While an additional amount of battery storage and generation could be installed to handle an additional load, it would become more expensive when trying to eliminate the last percentage of the total site usage. (Mayor Toms)
- Again, detailed the need to minimize the reliance on fossil fuels and if outages were short enough a fossil fuel generator may not be needed, but needed to be available to ensure complete resiliency. (Mayor Toms)
- Hydrogen energy could be used although a hydrogen generator was not available of the required size at this time. (Murphy)

- The assessment for hydrogen came down mostly to the ability of sourcing due to emergencies. The benefits of natural gas were that it was already piped to the site. Sourcing for hydrogen to have enough stored on-site was difficult, tricky and a logistical hurdle that did not justify the benefit. (Murphy)

PUBLIC COMMENTS OPENED

Rafael Menis offered the following comments on Item 12A:

- Pages 877 and 878 of 945 of the agenda packet, the paragraph under Figure C.8: Islanding Potential, states: *One of the main benefits of this microgrid design is that this system can operate indefinitely without commercial power as long as the natural gas supply is not interrupted*, but as part of the CAAP the City Council just adopted, all natural gas inputs to the City would be capped by 2045, and he requested clarification as to how this would work.
- Page 848 of 945 of the agenda packet, Figure B.4: City Hall Demand Profile, noted the increase in demand between 1:00 a.m. and 6:00 a.m. on Fridays was an odd profile and he asked why that was the case and why the City did not have access to the core control systems for City Hall.
- Page 870 of 945 of the agenda packet, asked how long PG&E had been overbilling the City and whether the City could recover any of the past billed costs.
- Page 846 of 945 of the agenda packet, noted the HVAC system for the Senior Center had been built to only always provide the same rate of flow, which was an inefficient way to do things and suggested the system should be replaced.
- Page 854 of 945 of the agenda packet, Figure B.8: WWTP Demand Profile, the chart was unclear and more explanation on the chart was requested.

Responding to the public comment, Mr. Herdt noted natural gas was bridge technology and would be the most resilient for the foreseeable future, and while other options may be investigated, they would not provide the benefit in the near term. He could not account for the higher demand on Fridays in the morning at City Hall, which may be a small sample error. Every day had been averaged.

Mr. Herdt added there was a process to possibly reclaim around a year in billing errors with staff to discuss that with PG&E.

Mr. Herdt stated that street lighting retrofitting had been completed in stages and the total amounts could have been for months or years with the costs increasing over time as the retrofitting had been done, and the controls at City Hall had not been accessible mainly due to proprietary control systems that had not been able to have the control contractors resolve with the system and set points in place, which was just a matter of being updated quickly and easily which staff was trying to do. He was otherwise uncertain of the confusion with the figure on Page 854 of 945 of the agenda packet and would have to follow up.

Ms. Webster responded to natural gas being capped by 2045, and envisioned the industry would be ready at that point to switch to green hydrogen with such infrastructure to be more built out and developed such that the natural gas generator could be retrofit to a hydrogen generator. There were some manufacturers already planning for this transition and some generators already had the capacity to be retrofit on-site to be able to accommodate green hydrogen as a fuel.

Public Works Director Mishra added staff had been speaking with vendors about the City Hall control system, which was pricey and staff was trying to resolve that issue and obtain quotes before something was installed.

PUBLIC COMMENTS CLOSED

Council member Martinez-Rubin referenced the Senior Center Microgrid and asked that the updated CIP mesh with the assessment findings, including the estimated costs.

Mayor Toms clarified the resolution before the City Council would direct staff to implement recommendations in the Assessment in which budget authority existed and work with the City's Grant Writer. She asked about the details of what was being adopted, and if the City Council adopted the resolution, she understood the specifics of the project would happen through the CIP, and if there were specific projects the City Council wanted to tinker with that would also be through the CIP.

The Public Works Director confirmed that would be the case.

Council member Murphy also understood the City Council was being asked to adopt the resolution with details on the projects to be discussed when the CIP was next presented.

ACTION: Motion by Council members Murphy/Martinez-Rubin to adopt a Resolution Accepting the Report for Energy Conservation, Generation and Storage Assessment (CIP Project #IN2201).

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

- B. Receive a Report on Municipal Broadband Feasibility Study Report (CIP #IN2102).
Action: Receive Report and Provide Direction (Sanjay Mishra)

Public Works Director Mishra introduced Robert Stevens, CSW/ST2, who provided a PowerPoint presentation on the Broadband Opportunities Assessment that included an overview of broadband; Interactive Broadband Map – Wireline for AT&T, Comcast and Sonic and Public Utility Commission (PUC) Broadband Map; community outreach efforts and results of an online survey and internet test; broadband installation; details on a proposal to build a municipal network for the City of Pinole and the possibility of building a West County Open Network and Low-Cost Internet Plans. In terms of recommendations, educational programs were recommended along with building infrastructure with public works projects, consider intelligent transportation system,

leverage assets, seek California Advanced Services Fund (CASF) funding, be mindful of new technologies and consider a West County Partnership.

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

- Intelligent Transportation Systems (ITS) were similar to the Smart Signals project in the CIP, which matched with the Contra Costa Transportation Authority (CCTA) for funding, with the recommendation to use conduits for access to other City infrastructure. (Mayor Pro Tem Sasai)
- Clarified a project the City was partnering with Contra Costa County would only connect Regional Routes of Significance to high-speed data transfer for the traffic monitoring system to help Regional Route of Significance. ITS, as described in the Report was for all traffic signals. (Mayor Pro Tem Sasai)
- In terms of leverage assets, clarified as an example that a paving project that installed a traffic signal of new street lighting circuit adding new conduit as part of that would be a low cost. Another example was the City of Richmond, which had taken 2,500-feet of conduit and swapped it for 30 miles of 12-strands of fiber. As the City built up resources and its assets, it could use them when working with third party providers. (Murphy)
- The City's assets had been identified in the City's Geographic Information System (GIS) and included one fiber optic line along Appian Way through San Pablo Avenue to City Hall and the Public Safety Building, and some fiber network through Tennant Avenue to the Senior and Youth Centers. Staff had also been working with a contractor when a City of Hercules project was going on to have some fiber optic for the Pinole-Hercules Wastewater Treatment Plant as well, which was under the discussion phase with Sonic. (Murphy)
- Internet service providers were regulated by the Public Utilities Commission (PUC). While the City could run its own fiber, the cost was prohibitive. The City could not deny any utility company to come to the City of Pinole since those companies had the right to be in the public right-of-way (ROW). Sonic was mostly running its fiber network overhead and not underground. The City had some applications from Comcast, which would be updating some of its lines. In 2023, Verizon had some fiber optic lines installed along Appian Way. (Murphy)
- During COVID-19, CSW/ST2 worked extensively with the City of Richmond and the West Contra Costa Unified School District (WCCUSD) when a barrier had been found to subscribing to the technology, getting the system operational and finding out the lowest cost plan to do it. Rather than put more money towards technology, finding tech savvy volunteers in the community to help those families with that access was preferred. The City of Richmond had a group of kids that helped families with that effort. It was important to have Wi Fi hot spots in locations where people could use the Internet, which is why there was support for West County to form some sort of independent link at the Senior Center or the Swim Center, as examples, where it would be independent of Comcast or AT&T

and the City could provide that network access with hot spots throughout the community to be able to use the Internet. That could be as easy as possibly speaking with and partnering with the City of Richmond. The area of Fernandez Park was another possible independent link that just needed a better connection. Suggested leveraging a relationship with the City of Richmond's network and with the Internet Archive where Internet access could be free and which could be explored as a pilot project after choosing a site. (Murphy)

- Starlink was available at the Pinole-Hercules Wastewater Treatment Plant. (Murphy)
- If someone could not afford the Internet there were lower cost programs available and the Internet providers had to provide lower cost service. There was more competition in Pinole which would drive prices down. The City needed to encourage companies such as Sonic to build as fast as possible and the more complaints Internet providers received from residents or businesses in Pinole, the more investment in the community. (Tave)
- Recommended the City coordinate a telephone call with City of Richmond staff regarding the City of Pinole's potential interest in exploring the use of two of the City of Richmond's 12-strands of fiber, which could be a reasonable test project. (Tave)
- If the City was paving a road or doing a sidewalk improvement project, as examples, adding a conduit had an expense and that may never be used, and the question was whether there would be value in doing that and possibly reviewing the core City assets with any gaps or holes to be filled and in those locations make that investment such as in an arterial corridor along Pinole Valley Road. Did not recommend that investment on residential streets since the investment may not be used by the City. If a major arterial or collector, and if there was a free conduit available, service providers may pull in the fibers, use those conduits and then direct them to individual houses. The biggest problem was to run from a Tier 1 service to the main drag of the City. (Martinez-Rubin)
- The 12-strands of fiber the City of Richmond had were located on a series of utility poles, some of which were located on San Pablo Avenue and traveled to all schools within the WCCUSD. If the City of Pinole were to tap into some of that such as near the Senior Center or Pinole Library, those could be places for a pilot project allowing the Senior Center to be a resilience center in the case of an emergency. (Mayor Toms)

PUBLIC COMMENTS OPENED

Rafael Menis found it important for people to remember the difference between megabits and megabytes per second since providers used different definitions, and he defined each for the benefit of the assemblage. As to Starlink, he commented in urban regions and as more people connected to the service the quality of service provided declined given there were only so many satellites in the sky. Also, the City's security network and various security cameras throughout the City and fiber optic linking up with that had previously been discussed and would be worth re-considering. In addition, he echoed the comments made by the presenter about the desirability to create a Joint Powers Authority (JPA) to pursue a region-wide broadband network since the City of Richmond had already taken the first steps to do that.

Mr. Menis asked about the cost for the City of Richmond to put the conduit in place, the broader benefits of setting up conduit Citywide apart from a Municipal Broadband network, and commented there had been federal programs available, which had offered discounted broadband access but due to political decisions an extension of those programs had been voted down by the House of Representatives in 2024.

PUBLIC COMMENTS CLOSED

Mr. Stevens reported that in 2011, it cost around \$7 million to build 12 miles of fiber, 144 strands at 10 gigabits per second either in a back plane that dropped to around eight different City facilities in the City of Richmond, a robust network, which had been funded through a federal security grant, and which cost would likely be doubled today. The swap was 3,000 feet of conduit for 22 miles of 12 strands of fiber which was a really good deal.

Mayor Toms clarified there was no price tag on the recommendations. She asked whether staff or the City Council would prioritize the items.

Public Works Director Mishra commented if the City Council directed staff to pursue a joint effort with the City of Richmond that could be done. If any of the City's street projects were on major arterials, staff would make it mandatory to leave some conduit in those streets, and while project costs would increase a bit it would benefit the City in the future. As future projects came up, staff could be directed to evaluate those projects as to whether there was any feasibility to add new conduit to the network.

Council member Tave suggested the City needed to develop what a joint trench looked like, including electrical to underground power lines, communication and telecom with a joint trench specification that could be implemented when water pipes or sewer lines were being replaced or roads redone, to be incorporated into the costs for redundancies. He wanted to see a municipal option for Internet access to be developed as a capital plan whether for the Senior Center or elsewhere, which had been an issue for residents during the pandemic. He suggested something should be in place and it could be emergency related.

Mayor Toms asked whether the City could tap into a couple of strands of fiber from the City of Richmond to the Senior Center and whether that could be considered as a municipal option.

Mr. Stevens cautioned agencies trying to build and operate networks because it became very expensive and the City had to determine who would maintain it. He understood the desire for something that was robust along with a backup plan if there was a problem.

Mr. Stevens suggested the City could potentially get a secondary Internet access point at the Senior Center, if Comcast was the provider today, and possibly get two backup providers (Sonic and AT&T), in the unlikely event all three go down which would allow flexibility. If there were high enough speeds from the providers a lot of people could be served at those locations.

A secondary approach could be to speak to the City of Richmond and determine the costs to interconnect to use the Internet archive backbone and then provision the City's own network at one of the locations using the fiber the City already possessed, which option may not be a significant cost and someone in the Information Technology (IT) Department would have to operate it. He noted the City would get a preferred rate when leasing from Comcast or AT&T.

ACTION: Motion by Council members Tave/Murphy to extend the City Council meeting to 11:15 p.m.

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

Mr. Stevens suggested the City Council consider those two strategies.

Mayor Toms understood extending Sonic or AT&T would have operational costs as well and Public Works Director Mishra advised that extending Sonic or AT&T would involve a monthly service charge since lines were already available.

Mayor Toms asked whether the City Council supported direction to staff to explore the costs of tapping into the City of Richmond's system and getting a cost estimate for Sonic and AT&T, as described.

Council member Martinez-Rubin understood the simplest and most readily available approach, if needed, would be to subscribe to additional providers, which Public Works Director Mishra confirmed.

Council member Murphy suggested connecting the 40 sites in the City of Pinole eligible for CSAF funds. He asked whether that work would be under the Public Works or another City Department.

Mr. Stevens clarified that just because the PUC website had the 40 sites listed, staff could find no evidence of problems at those locations. It would be helpful for those people suffering a problem to be pointed to the correct resource to help them out.

Council member Murphy asked whether an assessment of the 40 sites had been done.

Mr. Stevens clarified that only the geographic location of those sites was available. Those who responded to the survey were in the same geographic location and were not having an issue. He suggested those sites should be monitored and if people started having problems the City should help out. He suggested that complaints, if there were any, should be referred to the City Council or City representatives.

As to whether there was a way to collectively complain to a carrier and in response to Council member Tave, Mr. Stevens clarified to get better service Pinole constituents should be calling and requesting better capacity from their providers.

Council member Murphy recommended direction to staff to add "Report a Problem" on the City website, which could be directed to the specific carrier.

Public Works Director Mishra confirmed staff could receive the complaints and direct constituents on what to do. He thanked the City Council for the input, advised that staff would contact the City

of Richmond and see what they could do about their Public Works projects, and add a drop down in the Report a Problem regarding Internet service.

ACTION: Motion by Council member Murphy/Mayor Toms to direct staff to contact the City of Richmond and see what they could do about the Public Works projects and add a drop down in the Report a Problem regarding Internet service, as discussed.

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

Anthony Vossbrink reported the phones were currently off the hook at the central call station. He asked why some basic infrastructure was not being addressed such as a number of street light issues in the community including street light outages along Pinole Valley Road and San Pablo Avenue and public parking lot lights that had been inoperable creating a safety hazard. He suggested the Public Works Department was not addressing the basic housekeeping needs in the City. He added that recyclable trash cans in the barbeque grove and dog park remained to be installed but had been ordered a long time ago by former staff and he asked the status of the caretaker's home, the Tara Hills Safeway Shopping Center build out and the Union 76/7-Eleven gas station since it appeared the projects were stalled.

14. ADJOURNMENT to the Regular Meeting of September 3, 2024 in Remembrance of Amber Swartz and Colin Batchelder.

At 11:11 p.m., Mayor Toms adjourned the meeting to the Regular City Council Meeting of September 3, 2024 in Remembrance of Amber Swartz and Colin Batchelder.

Submitted by:



Heather Bell, CMC

City Clerk

Approved by City Council: September 3, 2024

