

**CITY COUNCIL MEETING
MINUTES
September 17, 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

Kelcey Young, City Manager
Heather Bell, City Clerk
Eric Casher, City Attorney
Andrea Dwyer, Community Services Director
Markisha Guillory, Finance Director
Lilly Whalen, Community Development Director
Kapil Amin, Sustainability Fellow
Fiona Epps, Assistant to the City Manager
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on September 12, 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 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: 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.

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

There was no 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.

Irma Ruport, Pinole, commented over the past couple of days, there had been some campaign issues/violations discussed on the NextDoor platform. She asked the City Attorney and the City Clerk to establish ground rules and send out information to campaigns and their staff on what was and was not permitted including the use of literature, City Hall and City employees, as examples. She would appreciate that someone on staff lead everyone to a path of neutrality to ensure fairness to all in the upcoming election. She found pitting neighbors against neighbors was not an ideal situation, there was a lot to deal with and everyone should be treated equally and fairly to ensure all rules and procedures were followed in the same way.

Mayor Toms moved onto Item 8. Recognitions / Presentations / Community Events at this time.

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. National Punctuation Day

The City Council read into the record a proclamation recognizing September 24, 2024 as National Punctuation Day, which was presented to Council member Martinez-Rubin in recognition of the work of former Pinole resident, journalist and author Jeff Rubin.

2. Constitution Day

The City Council read into the record a proclamation recognizing September 17, 2024 as Constitution Day, to be delivered by the Mayor to the eighth-grade class at St. Joseph School, which was currently studying the Constitution.

3. Hispanic – Latinx Heritage Month

The City Council read into the record a proclamation recognizing September 15 through October 15, 2024 as Hispanic – Latinx Heritage Month, with the proclamation to be delivered by the Mayor to Pinole Valley High School.

4. United Against Hate Week

The City Council read into the record a proclamation recognizing September 21 through 27, 2024 as United Against Hate Week (UAHW), with the proclamation presented to Community Services Department staff who were taking the lead on events for UAHW.

Community Services Director Andrea Dwyer highlighted the UAHW events planned in the City of Pinole during the month of September including the Take a Pledge stand.

5. Fire Prevention Week

The City Council read into the record a proclamation recognizing October 6 through 12, 2024 as Fire Prevention Week, which was presented to Contra Costa County Fire Protection District (CCCFPD) Battalion Chief Paul Silva.

6. California Firefighter Memorial Day

The City Council read into the record a proclamation recognizing October 12, 2024 as California Firefighter's Memorial Day, which was also presented to CCCFPD Battalion Chief Silva.

PUBLIC COMMENTS OPENED

Irma Ruport recognized the City of Pinole's firefighters and noted that the CCCFPD had become partners about a year ago. She requested the City Council meeting adjourn in memory of all firefighters who had lost their lives, and that the Mayor on behalf of the City Manager invite the CCCFPD to join the City's monthly Coffee with the City.

PUBLIC COMMENTS CLOSED

B. Presentations

1. Pinole Valley Park Project Presentation – Community Services Director, Andrea Dwyer

Community Services Director Andrea Dwyer and Recreation Manager Maria Picazo presented a PowerPoint presentation on the Pinole Valley Park Project, which included an overview of the City's thirteen City Parks, five Community Parks and three undeveloped parcels including Hugh Young Open Space, Sarah Drive Park and View Park.

Key Strategy #1, *Enhance community health and fitness through diverse and engaging sport opportunities* and Goal 1.4: *Enable field sports to flourish in Pinole through the redevelopment of Pinole Valley Park sports turf areas* of the Parks Master Plan were also highlighted.

Pinole Valley Park (described as Pinole Valley East - Wright Avenue) and (Pinole Valley West - Savage Avenue) was clarified along with all of the existing amenities. Pinole Valley East consisted of open space. Pinole Valley West consisted of the baseball field, soccer field, playgrounds and other amenities. In terms of current park usage, there was none at Pinole Valley East. For Pinole Valley West, park usage included rentals, groups that wanted to rent the space for baseball or soccer or have the ability to allow residents to utilize the field, the space, or the Community Services Department to develop revenue for the use of the space. Pinole Valley West had been leased by the West Contra Costa Youth Soccer League and local groups used the baseball field. Site recommendations, as shown in the Parks Master Plan, included the rehabilitation of the soccer field at a cost of \$200,000. Different funding recommendations, potential collaboration and park potential were all highlighted.

Responding to questions from the City Council, Ms. Dwyer and Ms. Picazo clarified the following:

- Staff was exploring different funding sources, collaboration and potential grants. The soccer field at 65,000 square feet in size was fenced-in. The City had collaborated with the West Contra Costa Youth Soccer League, which was interested in expanding Pinole Valley Park usage with expanded participants, and the City had contacted contractors able to do the rehabilitation work. A quote of \$167,050 had been received for the rehabilitation work. There were no plans to “add to” but “rehabilitate” the soccer field. (Mayor Pro Tem Sasai)
- Capital Improvement Plan (CIP) Project PA #1901, Rehabilitation of Pinole Valley Park Soccer Field, was clarified. The Community Services Director was working with the Public Works and Community Development Directors on fees budgeted through different earmarks and CIP projects. The subject project would return to the City Council with more information on funding sources and possible collaboration, hopefully at the October 15, 2024 City Council meeting. The project was being presented now since the West Contra Costa Youth Soccer League was interested in collaborating with the City and staff was moving quickly to consider the opportunity the League wanted to invest in Pinole and the intention to start those conversations. The project may be viewed as a one-off due to this potential opportunity. (Murphy)
- The intent was to rehabilitate the Wright Avenue portion of the soccer field, not the Savage Avenue portion given the potential collaboration with the West Contra Costa Youth Soccer League, although the cost of rehabilitation of Savage Avenue had been scoped out and would be costly since it was larger in size. Moving forward with the collaboration would result in the savings of funds that had been identified for this area. Staff was working on how to move dollars and still enable funds to be put towards another park. (Murphy)
- Staff planned to return to the City Council on October 15, 2024 to get approval for the project. Some work was already underway since it was under the threshold for City Manager approval, and conversations with the West Contra Costa Youth Soccer League had commenced.

- The contractor had been made aware the City wanted to start as soon as possible once there was City Council approval, with the hope to have the project completed by the end of November/December 2024, and use of the field by spring 2025. (Murphy)
- The project would expand the use of the park and enhance the development of soccer teams. Soccer season was defined as August through November/December (fall season), depending on weather conditions, but some of the season could be extended. The spring season was typically March through the end of May. By having the field available and during breaks in the soccer season, it would open opportunities for the City of Pinole to host tournaments. (Martinez-Rubin)
- Acknowledged a recommendation for public input after use of the rehabilitated field to learn of any feedback from the use and the occupancy rate. The rehabilitation project would also expand partnership opportunities with groups and contractors that offered soccer to children and families and possible intern opportunities, and would be a revenue generator for the City. Given the field was fenced-in, it was also a safe space and the rehabilitated field could be used by not only the soccer league but by friends and families. The only limitations would be those consistent with existing park rules, which prohibited dogs and golfers on the field. (Martinez-Rubin)
- Acknowledged a discussion of the potential for street vendors, and vending and health requirements still needed to be discussed when the project returned for City Council consideration. (Martinez-Rubin)
- Acknowledged a request for a discussion of ongoing costs, escalators, management of gophers, irrigation system timers and scheduling when the project returned for City Council consideration. Clarified the City had recently invested in a company specializing in gopher prevention. Staff would return with specific costs for the gopher prevention service and any costs moving forward. Clarified the estimated cost for the project included the cost of irrigation. In terms of ongoing costs for the turf of the field, consideration of a Blueridge turf was on the table for collaboration, would be low maintenance and drought tolerant but more maintenance cost information could be provided from the Public Works Department. (Tave)
- The field would be required to be closed for a period of time for the winter season to allow the field to rest, and community engagement would be needed to inform the public about the closure. (Tave)
- The potential for expanding the existing parking had not been explored at this time. (Tave)
- The fence around the field would remain “as-is” and staff would work to ensure the field did not fall into disrepair due to dog use since dogs were prohibited in using the field. (Mayor Toms)

PUBLIC COMMENTS OPENED

Peter Myers, West Contra Costa Youth Soccer League Boardmember, reported the in-house League had increased in size since the pandemic, with more competitive club teams.

Mr. Myers added that while the league had expanded, there were no additional fields. The current sources for playing fields included the West Contra Costa Unified School District (WCCUSD), City of Pinole and the City of Hercules.

Mr. Myers commented that the number of games and practices were huge, with Pinole Valley West field used for games in the spring. The field quality was rough due to gophers and in the summer when the irrigation was not operable Pinole Valley West had large ruts, causing tripping hazards. The soccer field was not just for kids, but also for pick-up soccer communities for adults with the potential for field rentals for other leagues. He noted both the cities of Hercules and Pinole were in a race for families' unsure of which community to purchase a home and suggested fields and parks played a huge role when considering where to purchase. He added that being able to safely cross the street was also a factor and he found the City was doing a great job to address that issue.

Irma Ruport emphasized the importance of local fields for youth and parents. She understood the biggest problem was who would set up and maintain the fields and asked that the project also be presented to the Community Services Commission for input. If not, she asked to be part of the process given the costs and the need for labor and donations and suggested many parents would step up to do what they could. She suggested it would take the community to bring something like this together and she liked the idea of bringing this project to the City of Pinole and getting started.

Anthony Vossbrink, Pinole, commented he had two children who had been raised in Pinole, and suggested before the City rushed into this, he would like the City to consider the limited parking in the area, which was also highly trafficked with no plans for improvement. He suggested the existing fencing may be an issue since only three quarters of the Wright Avenue soccer field was enclosed while the remainder consisted of an old broken-down rail fence adjoining the skate park that had not been repaired or restored. Repair or replacement of that fence may add to the project cost. He suggested the cost of grass versus artificial turf should also be explored given the different types of turf that may reduce costs. He suggested the City of Pinole should consult with other jurisdictions, such as the Town of Danville and the cities of San Ramon and Pleasanton about the different surfaces that could be used to reduce costs.

PUBLIC COMMENTS CLOSED

Mayor Toms understood no action was being asked of the City Council at this time in that the presentation was information only. Having reviewed the street view on Google, and in response to pedestrian safety concerns, she noted there was currently a crosswalk on the eastern three-way intersection of Wright Avenue and Pinole Valley Road but no crosswalk across Wright Avenue and none on the other part of Pinole Valley Road. She asked that the Public Works Department take a look at that given there was a lot of good on-street parking on Pinole Valley Road on the other side of the street between Wright Avenue, Martinez Court and Simas Avenue, which worked if people could safely get across the street.

Council member Tave commented that due to the geometry of the street and line of sight problems coming down the hill, that should be reviewed as well.

Community Services Director Dwyer clarified this was not a new park or new build and those issues had not been added as an observation since this was an existing park, but she would loop back with the City Manager and Public Works Director on the issue.

Council member Murphy asked whether the same presentation would be provided to the Community Services Commission and Community Services Director Dwyer reported the Community Services Commission had been scheduled to meet in September where an informational presentation could be made.

Mayor Toms looked forward to more information in October. She thanked the members of the West Contra Costa Youth Soccer League present in the audience.

The City Council returned to the remaining agenda items.

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements:

Mayor Toms reported she had attended the Mayors' Conference with a discussion and presentation on the Community College District, report on a helicopter to be placed at the former Byron Boys Ranch in East County for two months for fire service emergencies, a collaboration between CCCFPD and PG&E, and a report from the East Bay Municipal Utility District (EBMUD) Government Services related to customers that fell late in payment. EBMUD proposed a program that would change their meters where there would be enough water pressure for safety reasons, but the flow into a home would otherwise be massively decreased for a customer who had not paid their bill. She also reported there would be an East Bay Hills Wildfire Coordinating meeting in the City of El Cerrito on September 23, 2024, and the West County Mayors' Conference would be held on September 26, 2024 in the City of Pinole Council Chambers.

Mayor Toms also reported she had attended the funeral services for Steven Alameda, a long-time volunteer through the WCCUSD who retired in 2011 and who went on to work for the Salesian Boys and Girls Club. She stated his family had been grateful the City Council meeting of September 3, 2024 had adjourned in his memory. She had also visited Jean Clark Ulversoy, who had been recognized by the City Council in 2023 for her 100th birthday. Now at 101, she provided Ms. Ulversoy's history of her life on San Pablo Avenue in 1932, and she was confident that information would be shared with the Pinole Historical Society.

B. Mayoral & Council Appointments: None

C. City Council Committee Reports & Communications

Council member Murphy reported that September 17, 2024 was National Voter Registration Day and he highlighted the coordinated effort to get people to register to vote. He had also recently joined young students at Pinole Valley High School to discuss the importance of voting, how to register to vote, provided information on the state automatic voting laws through the Department of Motor Vehicles (DMV) and the criteria for pre-voting for those who were registered voters.

Council member Murphy thanked the History and Government Departments at Pinole Valley High School for inviting him and the students for their commitment to civic engagement. He encouraged people to use the hashtag “vote ready” to explain and tell their stories about how they were ready to vote in this election and view nationalvoterregistrationday.com or vote.ca.gov for more information.

Council member Murphy also reported the month of September was Work Force Development Month and National Preparedness Month, an annual nationwide campaign to remind everyone about preparing for emergencies and disasters, with more information at www.ready.gov/2024-nationalpreparedness-month-toolkit.

Council member Tave reported he had attended the El Sobrante Stroll; Latin American Independence Day Parade in Richmond/San Pablo; RecycleMore Board meeting and briefed the Council on all discussions. He also reported his son Reece’s birthday would be September 18, 2024 and he wished him a Happy Birthday.

D. Council Requests for Future Agenda Items: None

E. City Manager Report / Department Staff

City Manager Kelcey Young announced the Community Development Department had granted a temporary occupancy permit for Wings A and B of the Vista Woods affordable housing units, with the remaining units in Wings C and D expected to be ready early next year. The SAHA Project Valor Village was also near completion with plans to start leasing in November 2024.

City Manager Young also provided an update on the Chief of Police Recruitment process. At present there had been no agreement with the finalists, with the recruitment brochure being updated to be distributed this week and with the recruitment period to close on October 18, 2024. Staff was working through a community engagement piece for the recruitment process, to be communicated to the public once details had been finalized. Anyone desirous to discuss it were asked to contact her.

City Manager Young also reported the Food Bank of Contra Costa and Solano had been working hard and current low-income seniors 55 years of age or older may receive free groceries the second and fourth Tuesday of each month. The latest food distribution event of September 10, 2024 was highlighted with the next food distribution to be held on September 24, 2024. The Food Bank of Contra Costa and Solano Drive-Through Food Distribution Program held the second Monday of each month was also highlighted, with details of the event held on September 9, 2024 presented.

City Manager Young further reported UAHW would be recognized September 21 through 27, 2024 and she invited everyone to Take the Pledge at City Hall, Pinole Library and the Senior Center during business hours.

City Manager Young also provided the monthly maintenance update from the Public Works Department, which information was available in the Council Chambers and would be posted in The Pulse. The Public Works Department was also getting reading for Coastal Clean-Up scheduled for Saturday, September 21, 2024.

City Manager Young reminded everyone that National Night Out would be held on October 1, 2024. She added she was setting up office hours starting September 26, 2024, every Thursday from 3:00 to 4:00 p.m. for anyone in the community who wanted to drop in and meet with her.

Council member Tave asked the City Manager to provide an update on the Pinole pool.

City Manager Young reported the Pinole pool would be closed for the season. She understood the computer system that controlled the chemicals into the pool was not operating. The Public Works and Community Services Departments had notified the Pinole Seals and were working to resolve the situation so the pool could reopen for the next season.

F. City Attorney Report: None

PUBLIC COMMENTS OPENED (Items 7D through 7F)

Irma Ruport reported that the CCCFPD would host the National Marrow Donor Program and Stanford Blood Bank on October 13, 2024 from 10:00 a.m. to 2:00 p.m., and she asked everyone to join at Station 74 and register as a bone marrow donor and donate blood to help those suffering from cancer. She asked that the flyer for the event be posted on the Pinole Community Television (PCTV) scroll and advised that the event would also be advertised in the Marketplace newsletter.

Anthony Vossbrink asked the City Manager to provide more information on the status of the Police Chief recruitment process since he understood there had been qualified finalists/candidates, and he asked why a candidate had not been selected for the position. He also asked for a report from the Public Works Department as to why the Street Light Repair Program had been discontinued and noted the large number of street light outages up and down Pinole Valley Road. In addition, he asked about the status of the area behind the dog park trail where the Public Works Department had dumped debris blocking the trail and causing a potential safety hazard.

PUBLIC COMMENTS CLOSED

City Manager Young clarified the Police Chief recruitment search had not worked out. There was a candidate who had been in negotiations but that individual sought a higher salary range. She explained that recruitment for Police Chiefs had been a challenge nation-wide. The City had gone back out with the same search firm that had a guarantee in their contract to help the City through the process. As a result, there would be a new pool of candidates and she was reaching out throughout the country to encourage interested applicants. The City still planned to hire a candidate in mid-November and have that individual on-board soon.

Council member Murphy thanked the City Manager for providing the update. He looked forward to the updated search and he recognized community members wanted to continue to be involved in the hiring of the new Police Chief. He looked forward to the community engagement process as part of the recruitment process. He also thanked the Public Works Department for providing its annual report and he was pleased to see over the past month numerous pot holes had been filled in a number of City streets, which he saw as a big success for the Public Works Department. He encouraged the public to continue to utilize the City's new website and report any problems at pinole.gov.

Council member Murphy otherwise commented that some members of the community had expressed concern with some trees that had been cut down on Goularte Drive, and he asked whether staff was tracking the trees being removed in the hope that a tree or something similar would be replanted in the area. If that was not being done, he asked for that tracking to be done moving forward.

City Manager Young understood that work was being tracked but she would have to verify and get back to the City Council. She agreed that a larger discussion about strategizing was a good idea.

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 September 3, 2024.
- B. Receive the August 31, 2024 – September 13, 2024 List of Warrants in the Amount of \$699,216.29 and the September 13, 2024 Payroll in the Amount of \$673,486.92. (Regular Payroll: \$543,474.96 and Neil Gang payout of \$130,011.96)
- C. FY 2023/24 Fourth Quarter Investment Report. **Action: Receive Report (Markisha Guillory)**
- D. FY 2023/24 Fourth Quarter Financial Report and Year-End Adjustments. **Action: Receive a Report and Adopt a Resolution per Staff Recommendation (Markisha Guillory)**
- E. Approve an Amendment to Purchase a Master Control Management System Replacement with Advanced Systems Group (ASG) and Allocate Funding in the Amount Not to Exceed \$4,420.03. **Action: Adopt Resolution per Staff Recommendation (Fiona Epps, Dave Snell)**
- F. Adopt a Resolution Authorizing the City Manager to Execute a Consultant Services Agreement with Responsible Purchasing Network (RPN) for Professional Services to Support Implementation of the City's Environmentally Preferable Purchasing Policy and Program (E4P) (\$3,000). **Action: Adopt Resolution per Staff Recommendation (Lilly Whalen, Kapil Amin)**
- G. Adopt a Resolution Authorizing the City Manager to Award a Contract to Environmental Innovations (EI) for Technical Assistance to Pinole Businesses for Single-Use Plastics Reduction and Ordinance Compliance and Allocate Funding in the Amount of \$67,050. **Action: Adopt Resolution per Staff Recommendation (Lilly Whalen, Kapil Amin)**

- H. Formally Adopt an Ordinance Adding Chapter 8.38 "Single-Use Plastic Foodware and Bag Reduction" to the Pinole Municipal Code (2nd Read). **Action: Conduct a Second Reading and Approve Ordinance (Lilly Whalen, Kapil Amin)**
- I. Second Reading and Adoption of an Ordinance Adding Chapter 9.19 "Safe Storage of Firearms" to the Pinole Municipal Code. **Action: Adopt Ordinance on Second Reading (Eric Casher)**

Council member Martinez-Rubin requested that Item 9A be removed from the Consent Calendar for correction.

PUBLIC COMMENTS OPENED

Ann Moriarty referenced Item 9H and speaking on behalf of Friends of Pinole Creek Watershed, she welcomed the new City Manager to the City of Pinole. She thanked the City Council for adopting a "Single-Use Plastic Foodware and Bag Reduction" Ordinance to the Pinole Municipal Code (PMC). In particular, she thanked Community Development Director Lilly Whalen and Sustainability Fellow Kapil Amin for their thorough work and tireless attention to this matter; the City Council and staff for its support and the fact the resolution provided technical assistance to businesses that would go a long way to making the ordinance a success in reducing the amount of plastic waste in the community. She also thanked Code Enforcement Officer I Sarrah Patton for her work with the property owner to install a fence to protect the creek from trash generated in the parking lot behind the bowling alley, to be completed this week, Public Works Director Sanjay Mishra and his staff for their tireless work to address trash in the community, and for the daily cleaning of the trail behind the King Valley Restaurant, which community members appreciated. She looked forward to the upcoming Coastal Clean-up at Bay Front Park on September 21 and she hoped to see everyone there.

Rafael Menis offered the following comments on the Consent Calendar:

- Item 9B, asked the nature of the payout to former Interim City Manager/Police Chief Neil Gang and whether it involved accrued vacation time or whether other factors had been included in the payout; Page 32 of 210 of the agenda packet, Vendor SWEEO-Roy Swearingen, Refund Office Expenses, City Treasurer, asked what expenses fell under the refund and Page 33 of 210 of the agenda packet, Vendor USB06 – US Bank, Statement Citywide, asked for clarification of "Cal-Card."
- Item 9C, Page 41 of 210 of the agenda packet, requested clarification of the overall yield comparison and asked whether there were enough significant digits of accuracy to be able to report to that level of detail.
- Item 9D, Page 44 of 210 of the agenda packet, noted sales and use taxes were below the amended budgeted amount of general sales use tax category but slightly above the Measure S 2006 and Measure S 2014 categories and asked the reason why that was the case; and Page 46 of 210 of the agenda packet, the City Council and City Treasurer expenditures were above the amended budget amounts and asked why that was the case.

- Further with respect to Item 9D, Page 48 of 210 of the agenda packet, NPDES Storm Water Fund (Fund 207), revenues were less than the expected amount and he asked why that was the case since the revenues should be relatively routine and received by the end of the quarter with no normal reason for a variance; Page 49 of 210 of the agenda packet, the revenue amount was greater for the Recreation Fund and the expenditures were less than expected but they still added in more transfers from the General Fund or from Measure S 2014 to the Recreation Fund to offset and he requested clarification; Page 50 of 210 of the agenda packet, Growth Impact Fund (276), asked whether impact fee revenues being lowered as compared to planning fee revenues being higher was due to the timing of projects or some other reason; Page 51 of 210 of the agenda packet, the Sewer Enterprise Fund (Fund 500) revenue was at 99 percent of projected, not 100 percent, and he asked why there was a one percent difference; and Page 59 of 210 of the agenda packet, the budget charts included some increases and he asked what had changed to lead to increases of the magnitude shown.
- Item 9E, the expense seemed reasonable but asked of the ongoing cost of the current system being replaced; Page 70 of 210 of the agenda packet, the cost for the SmartCaption had been for 500 hours but could be for 100 hours, as shown, and he asked whether that would be renewed annually and what would happen if the City broadcast for over 600 hours per year, given the length of City Council and Planning Commission meetings and other City events, where that was not entirely unfeasible.
- Item 9G, Page 161 of 210 of the agenda packet, noted the costs as shown for the Subcontractor Cost (Plastic Reduction Project) at \$12,000, as opposed to the initial bid of approximately \$22,000, and asked what elements in particular of the overall bid had been covered in Pages 160 through 161 as being done by the primary contractor. The City felt that plastic production project would need more support, scope of work to be able to accomplish and whether as part of this process of being a subcontractor, whether it would be possible for the plastic reduction project to potentially gain skill in those areas or whether they would be exclusively working in the areas they were contracted for in particular. Noted the example shown on Page 171 of 210 of the agenda packet, the font size in the suggested outreach material was miniscule and suggested any outreach material being published use larger fonts.

Irma Ruport speaking to Item 9B, shared the same concerns Mr. Menis had raised with Item 9B. She suggested in the future the List of Warrants include more detail to avoid future questions. She also suggested if anyone had multiple questions, those questions should be provided in writing to the Mayor and City Manager to allow staff the opportunity to respond in a public forum.

Mayor Toms noted that staff was always available to answer questions ahead of time but asked whether the Finance Director would be able to address any of the questions raised.

Finance Director Markisha Guillory advised she would have to get back to Mr. Menis for some of the questions on Item 9B. Responding to the questions on Item 9B and the payout to Police Chief Gang, she clarified the payouts were accrued vacation, sick and administrative leaves and were customary payouts for any employee who separated from the City. In terms of the refund to the City Treasurer, she clarified the City refunded for printing costs to print City documents, such as the budget or financial reports, which was what the reimbursement was for.

Responding to the questions about Cal-Card, Ms. Guillory clarified that was a City-issued credit card to several staff members, for small dollar purchases that did not require a formal purchase order. There was a minimum of \$2,500 per month, and for Directors, it was \$5,000 per month for small dollar purchases, which included items such as office supplies, maintenance supplies, and safety equipment on the lower dollar end. As to the questions on the budget, she would respond to Mr. Menis' questions via email.

Anthony Vossbrink referenced Item 9B and the separation agreement for the former Interim City Manager/Police Chief. He found it odd the payout of around \$130,000 was close to the exact dollar amount of the agreement struck with the employment contract for the former City Manager who went to work in the City of Berkeley before finally landing in the City of Vallejo. For Item 9G, he asked for clarification of the expense of \$67,050 for plastic and environmental administration/consultation since that amount appeared high and he asked whether that cost was consistent with other cities of similar size to Pinole.

Mayor Toms clarified former Police Chief Gang had been with the City of Pinole over ten years and had accrued a lot of vacation time and he was entitled to be reimbursed on his way out.

Community Development Director Lilly Whalen provided further clarification and stated with respect to the recommended contract for Item 9G, the City received proposals from seven different entities, one of the proposals had come from a volunteer group that helped the City with surveying work and that group had proposed on certain aspects of the Request for Proposal (RFP), not the entire RFP, and when that group had been brought together with Environmental Innovations (EI), staff worked out what they could provide the City with the most success in implementing the Single-Use Plastic Reduction Ordinance. This group also had food service background and their responsibilities in the RFP had been adjusted as a result. As to the breakdown of the budget for the contracts for Item 9G, she clarified the contract was \$5,000 less than the total on the agenda for printing of materials and distribution to businesses, with the remainder of the contract with EI, a portion of which was subcontractor work.

Sustainability Fellow Kapil Amin further highlighted the breakdown of the contract details for Item 9G, with technical assistance being crucial given the nuances of the Single-Use Plastics Reduction Ordinance. It was important to have business compliance and clarify what the waste hauler may accept and it was important that businesses were aware what foodware was compliant, what was not, and who had streamlined the entire process making it easy during the transition for business to be able to reduce costs and provide cost-effective solutions for small businesses. That would include the provision of a foodware purchasing guide that would streamline all links to different distributors, in-person meetings would be held to determine whether reusables could be implemented in a business, education provided on different legislation and ordinances and assistance on the process required for waivers or extension of time.

Community Development Director Whalen clarified the City Council may set the level of technical assistance to be provided to the business community. The ordinance required a minimum level of technical assistance. The technical assistance to be provided would be robust given that an inadequate level would result in additional costs for code enforcement to enforce the ordinance.

Mr. Menis asked to respond to comments from the public and the City Council towards him directly related to the request that he submit his questions in writing to the City Council or staff.

Mr. Menis stated he would submit his questions in writing when he was able, but he had been unable to do that this time and apologized to staff, recognizing it would have been simpler for staff if he had done so. He suggested that presenting his comments verbally provided a benefit to the City Council and the community allowing staff to answer the questions during the meeting, if able.

Debbie Long referenced the revenue at 195 percent of other revenue and she assumed it was from one-time monies, either from the sale of property or permits for the former Doctor's Hospital site. If it was one-time money, she suggested it should actually be accounted for in a separate line item and be differentiated as one-time income.

Fiona Epps, Assistant to the City Manager, clarified Mr. Menis' questions related to Item 9E and explained the ongoing expenses and cost of the current system was approximately \$9,425 annually. The City had used three different systems to account for what the new broadcast server would provide, which would save about \$3,487 from what the current system cost and result in a better use of resources. She also clarified the closed captioning amount at 200 hours and noted this was an à la carte service that could be purchased, as needed, with an estimated use of about 180 hours per year, with City Council meetings and some other government meetings the City produced. When needed, the City could make that purchase and it also provided time to look at other cost-effective options to meet the Federal Communication Commission (FCC) requirements for closed captioning.

PUBLIC COMMENTS CLOSED

Council member Martinez-Rubin requested the following revision to Item 9A:

Revise the second sentence of the first paragraph of Page 4 (Page 15 of 210 of the agenda packet) of the September 3, 2024 meeting minutes, to read:

She [Council member Martinez-Rubin) referenced a Zoom meeting for community members about how policing had been done in the City of Pinole and she was pleased to have shared that time with the Police Chief and was pleased with his ability to be compassionate first. She was also pleased that Police Chief Gang had been amongst others in the Department who endorsed wellness and she wished him well and thanked him for his service to the City of Pinole.

ACTION: Motion by Council member Murphy/Mayor Pro Tem Sasai to adopt Consent Calendar Item 9A (as amended by Mr. Menis and Council member Martinez-Rubin) and Items 9B through 9I, as shown.

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

10. PUBLIC HEARINGS

A. Introduction and First Reading of an Ordinance Amending Chapter 2.08.010 of the Pinole Municipal Code to Increase Council Members' Salaries. Action: Conduct Public Hearing and Waive First Reading of Ordinance (Eric Casher)

City Attorney Eric Casher provided a brief verbal report to introduce the first reading of an ordinance amending Chapter 2.08.010 of the PMC to increase Council Members' Salaries. He asked the City Council to conduct the public hearing and waive the first reading of the ordinance.

PUBLIC HEARING OPENED

Rafael Menis opposed the amendment to the ordinance, and while he understood the equity concerns of having Council members be underpaid relative to others doing similar work and other Council members in the region doing similar work, given the current state of the City's finances and the fact the City Council was asking the community to pass a sales tax measure and were likely to request further tax measures in the future, a salary increase of the proposed percentile magnitude was substantial. He suggested if the City Council wanted to move forward with a salary increase it should do so without restricting the City Council's future potential salary increases in an amount that was not as large. He suggested it did not look great politically for the City Council to consider a substantial increase while also asking the community to increase sales taxes.

Irma Ruport disagreed and suggested the City Council should increase its salary. She read a lot about other cities raising Council member salaries and found the City Council deserved it, an increase had not been considered in a while and it would not make a dent on the budget. The increase was deserved, it would not go into effect until next year and it was important to deliver this increase since it was not a lot of money. In her opinion, the City Council deserved the salary increase since Council members volunteered so much of their time.

Anthony Vossbrink commented as a senior living on a fixed income, he agreed and concurred with the comments from Mr. Menis. He recommended the City Council consider tiering the salary increase rather than considering a larger percent of money similar to what seniors received when the lunch program cost was raised from \$7 to \$10, which he pointed out was the highest lunch program in Contra Costa County for seniors on a fixed income.

Mr. Vossbrink suggested a tiered increase over one, two or three-year period would be more acceptable under the City's current financial condition and since the City would be asking residents to increase the tax base, with more tax increases likely in the future. In addition, he recommended the Planning Commission salaries be evaluated as well since those individuals put in a lot of time with the City as well.

PUBLIC HEARING CLOSED

City Attorney Casher responded to Council member Murphy as to the timing of this item, and clarified the item had been heard by the City Council in April 2023, and the direction was to bring it to the Municipal Code Update Subcommittee, although there had been a number of other ordinances that were more time sensitive that had to be moved forward such as the Single-Use Plastic Ordinance. He explained that the subject ordinance had not been prioritized.

Council member Martinez-Rubin commented that if approved, the increase in salary would be for those City Council members who would enter into a new term. For a five-member Council, it would be two people and if the three others were to get back on the City Council in their year of election, then the amount would be catching up so it would be about two years where three Council members would receive \$562 per month and two Council members would receive \$759 per month. She found that was not equitable and asked the City Attorney to provide clarification.

City Attorney Casher explained the policy behind state law was to prevent and prohibit sitting Council members from increasing their salary during their terms, which was why the law stipulated that the increase would go into effect at the end of term. The law also provided the City Council may increase salaries annually and that could be discussed annually but it would not go into effect until the start of the next term of a Council member.

Council member Tave again clarified with the City Attorney the City Council was being asked to vote on an item that would affect future Council members, whomever they may be, not sitting Council members.

City Clerk Bell suggested it would be helpful to think of it as a Council seat, and not an individual Council member, and there were staggered seats on the City Council.

Responding to Council member Martinez-Rubin as to how the increase had been calculated, City Attorney Casher reiterated this topic had been discussed in April 2023, and since there had been no change since 2016, there had been a discussion at the City Council level that this increase be considered annually to avoid a significant increase each time the topic was revisited.

Mayor Pro Tem Sasai again asked how staff calculated the proposed increase, to which City Attorney Casher stated he could not recall the exact calculation but the City Council had discussed an increase of three to four percent each year, which was around the number the subcommittee had arrived at, and while not an even number was a result of the discussions.

Mayor Pro Tem Sasai commented on the comparison of monthly salaries for neighboring jurisdictions, as outlined in the September 17, 2024 staff report, and the state cap of \$950.00, and asked how those communities had arrived at those numbers.

City Attorney Casher commented that the monthly salary had been dependent on the population of the City. For cities of 35,000 to 50,000 in population, larger than the City of Pinole, the Council member salary could be up to \$1,275. For cities with a population larger than 250,000, a Council member could have a monthly salary of \$3,200. The City of Pinole fell into the category of a population of 35,000 or below with a salary cap of \$950.00 per month, but the City Council may exceed that amount, and every year increase the salary above \$950.00 per month subject to restrictions on when that could be done as provided in the Government Code. The ordinance, as written, would have to be brought back each year if the City Council were to consider an increase each year, although language could be added to the ordinance that would provide for a three-percent annual increase and was something the City Council may consider.

Mayor Pro Tem Sasai commented he had gone back and forth on his stance with this issue. He supported the increase in salary due to the findings in the ordinance, including the fourth whereas clause that reads:

WHEREAS, the City finds that adjusting councilmember salaries would account for inflation and support diversity in city councils because increased compensation can help individuals from across different income levels receive sufficient income for their service.

Mayor Pro Tem Sasai stated he wanted to make government as accessible as possible and not keep low-income persons from wanting to run for office. He also considered when calculations had been done to arrive at the monthly salary they were being based off of a Council salary that had not been adopted with equity in mind, and the state allowing cities to increase the salary to \$950.00 per month was an option he hoped would be feasible.

Council member Murphy commended Senator Dodd's bill that made this salary increase possible, and noted the California League of Cities and the National Association for the Advancement of Colored People (NAACP) backed the bill, which was important for cities with a population under 35,000. He also found it important to understand the intent of the bill was to boost participation and diversity on California City Councils and it was important to bring all salaries, including staff salaries in-line with the cost of living. He also hoped to align the maximum capacity of the bill with the current salary conversations and suggested the City Attorney made a good point to review the City Council salary either annually or biannually, and at the same time as the City's bargaining units and Management Compensation Plan were looking at it in the lens of the City's budget and performance.

Council member Murphy added the City Council members who served long hours and made critical decisions for the community had the ability to go to the voters and seek election or re-election, and that salary was tied to that commitment. He supported the item and suggested the City Council move to a \$950.00 salary with annual consideration for increase.

City Attorney Casher clarified the statute did not allow for an automatic increase and the City Council would need to have an ordinance brought forward every year, but he would work with the Finance Director and staff on a way through the budget process to discuss this topic and get some authority on the number and then bring the ordinance back annually through the budget cycle. If that was the will of the City Council something annually could be considered as opposed to a larger increase every four or five years.

Council member Murphy suggested the City Council should review the salary increase annually or align this conversation similar to how the Council negotiated with the City's bargaining units. He understood all bargaining units had been aligned into the same rotation and the same thing should be done here, with the exception of the Management Compensation Plan, which was reviewed annually but was considered along with the two-year negotiations with the bargaining units. He offered a motion to that effect. He also offered a motion to amend the proposed ordinance with a change in monthly salary from \$562.50 to \$950.00, and that all areas where the amount of \$562.50 had been shown in the ordinance be amended to read \$950.00.

Council member Murphy restated his motion, when asked by the Mayor Pro Tem, which was to align the consideration of the PMC with the two-year negotiations with the City's bargaining units, similar to how the City Council was looking at the salaries of public employees and look at the City Council salaries as well, and seek to have conversations about budget feasibilities and adjustments, and to amend the ordinance with an increase from \$562.50 to \$950.00.

On the motion, Mayor Pro Tem Sasai understood the first part of the motion meant that the City Council would look at the ordinance and update it in mid-2026 and mid-2028.

City Attorney Casher advised the City Council may see the ordinance every year if it wanted.

Council member Murphy suggested in this case it meant the City Council would look at in the spring of 2025 again but his intent was for an annual review similar to what was done with the Management Compensation Plan and every two-year negotiation with the City's bargaining units.

City Attorney Casher clarified the City Council may have a discussion item to receive direction but in order to affect the salary increase it must be done in the form of an ordinance.

Mayor Toms verified with the City Attorney that if there was a discussion in 2025, it would not take effect for all Council members until the following election and it would only be for the new City Council terms.

City Attorney Casher commented at one time the City Council could only increase the monthly salary five percent per year based on the last year of the adjustment. He would have to calculate a five-percent increase starting in 2016 on the \$562.50 amount, and if that was less than \$950.00, it would have to be the number used since the City Council could only increase five percent per year from the date of the last adjustment. With that clarification, if there was an interest to increase to the maximum amount within \$950.00, that would be his only clarification since the number must be precise. He confirmed that in order for such an increase to take effect in January 2025 with the new term, it would need to be adopted in this calendar year. As such, the item could be continued to a meeting in October or November and still take effect and the exact amount would be available at that time. He further clarified that a new term would commence when Contra Costa County certified the election results with a formal swearing in, possibly in December.

City Clerk Bell reported that staff was looking at potentially scheduling the reorganization meeting the second meeting of December 2024, a decision that would be made soon. She added with the volume of mail-in ballots it was taking the County longer to certify elections.

On the suggestion by Council member Martinez-Rubin that the motion be made in two parts and not be combined, Mayor Toms restated the first part of Council member Murphy's motion to align this discussion with the times of the year when the City Council discussed the Management Compensation Plan.

Council member Murphy asked that his motion be considered as stated and not be separated. Mayor Pro Tem Sasai again seconded the original motion.

ACTION: Motion by Council member Murphy/Mayor Pro Tem Sasai to align the consideration of the Pinole Municipal Code with the two-year negotiations with the bargaining units, similar to how they were looking at salaries of public employees and look at the City Council salaries as well, and seek to have conversations about budget feasibilities and adjustments and amend the ordinance from \$562.50 to \$950.00.

Vote: Passed 3-2

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

Council member Murphy clarified with City Attorney Casher this was the first read of the ordinance with the second read to be considered on the Consent Calendar at the next meeting of the City Council, with the accurate amount to be provided by staff.

11. OLD BUSINESS: None

12. NEW BUSINESS: None

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

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

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

Rafael Menis highlighted upcoming community events including Coastal Clean-Up on September 21, 2024 at Bay Front Park and Pride Celebration in the City of El Sobrante at Lamoine Park on September 22, 2024 from 12:00 to 5:00 p.m. He also provided an update on Centers for Disease Control and Prevention (CDC) tracking for state hospitalization rates and overall concentrations in wastewater for COVID-19, with everything on a downward trend in rates, but he still recommended everyone get an updated booster shot and flu shot. He also took the opportunity to praise Planning Commissioner Christy Lam-Julian who was running for City Council and highlighted the work he had done with her during her time on the Planning Commission. He suggested she would be an excellent Council member given her community engagement and outreach and her work on both the Community Services and Planning Commissions.

Anthony Vossbrink asked the City Manager to provide an update on what was happening behind the caretaker's house on Adobe Road and behind the dog park, which open space trail was heavily used by the community but which had been blocked and filled with dirt and other debris by the Public Works Department. He also asked about the status of trees that had been cut down along Pinole Valley Road near Ellerhorst Elementary School and the fire station, and streetlight outages along Pinole Valley Road and San Pablo Avenue.

Mayor Toms reported the pine trees fronting Ellerhorst Elementary School had been removed at the recommendation from the then Fire Chief and Capital Facilities people through the WCCUSD a couple of years ago. The trees had been determined to be of poor quality and had been removed given that Pinole ridge was located in a High Fire Hazard Severity Zone. Tree removal permits had not been required since the WCCUSD was a different governmental entity.

Mayor Toms added that this information had been provided to Mr. Vossbrink during a prior Planning Commission meeting as shown in meeting minutes, and she had addressed that same question in the past. She otherwise asked staff to address the situation on Adobe Road and provide a status report to Mr. Vossbrink.

- 14. ADJOURNMENT** to the Regular Meeting of October 15, 2024 in Remembrance of Amber Swartz and honoring Reece Tave on the occasion of his 5th birthday on September 18, 2024.

At 7:49 p.m., Mayor Toms adjourned the meeting to the Regular City Council Meeting of October 15, 2024 in Remembrance of Amber Swartz. and honoring Reece Tave on the occasion of his 5th birthday on September 18, 2024.

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council: October 15, 2024

