

**CITY COUNCIL MEETING
MINUTES
December 3, 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 5:02 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
*Via Zoom, Teleconference Location 1250 South Hayes Street, Arlington, Virginia

B. STAFF PRESENT

Kelcey Young, City Manager
Heather Bell, City Clerk
Eric Casher, City Attorney
Roxane Stone, Deputy City Clerk
Matt Avery, Interim Chief of Police
Faby Guillen, Capital Improvement/Environmental Program Manager

City Clerk Heather Bell announced the agenda had been posted on November 26, 2024, at 2:30 p.m. with all legally required written notices. No comments had been received in advance of the meeting.

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.

Peter Murray wished everyone a Merry Christmas. He otherwise referenced the power lines along Pinole Valley Road near Pinole Valley High School which included heavy telephone cables and his understanding the City paid for the power poles to be removed, with the utilities to be placed underground to ensure there was no blight on that portion of Pinole Valley Road; however, that had not been done and the cables posed a safety hazard to the public. He asked the City Council to look into the matter.

Michael Baum. stated he had been unable to attend Traffic and Pedestrian Safety (TAPS) Committee meetings and expressed concern with the traffic backups on I-80 westbound due to the shopping center. He had suggested consideration of a right-hand turn lane but was informed that was not possible due to equipment boxes owned by Caltrans. He suggested the City could go around the equipment boxes and consider eminent domain of a piece of the parking lot from the bowling alley, which suggestion should be raised with the TAPS Committee. He otherwise recognized Acting Police Chief Matt Avery for his service to the City of Pinole and wished him well on his retirement.

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Toms reported she had attended a West County Mayors' and Supervisors' meeting with a recommendation to consider quarterly meetings to be more aligned with certain themes for each meeting, and offered examples. For the next six months the meetings would be managed by the City of Hercules. She had also attended a webinar sponsored by the East Bay Leadership Council, which provided a presentation from the Metropolitan Transportation Commission (MTC) regarding the pricing of freeway lanes and provided an overview of the discussions.

B. Mayoral & Council Appointments: None

C. City Council Committee Reports & Communications

Mayor Pro Tem Sasai reported the December 12, 2024 WestCAT Board of Directors meeting had been canceled and rescheduled for January 9, 2025. He also provided the details for free bus rides for the month of December for those WestCAT buses that had festive wraps announcing the holidays.

Council member Murphy wished everyone Happy Holidays and a warm community season with many City events scheduled during the month of December, and with more information posted on the City website. He added the Contra Costa County Elections Department had certified the results of the 2024 General Election and he looked forward to serving the City of Pinole the next four years.

Council member Martinez-Rubin wished everyone a Happy December; encouraged everyone to access their health care providers or other services to obtain COVID-19 and flu shots; and reported she had also attended the webinar sponsored by the East Bay Leadership Council and briefed the City Council on the presentation from MTC about the pricing of freeway lanes.

Council member Tave wished everyone Happy Holidays.

D. Council Requests for Future Agenda Items: None

E. City Manager Report / Department Staff

City Manager Kelcey Young announced she had been with the City of Pinole for three months and was pleased to serve the City. She thanked the community and Council members for their support. She also reported Business License Renewal forms had been sent to all businesses with renewal fees able to be paid on-line via the licensing and permitting platform. In addition, the Annual Tree Lighting and Pinole Shop and Stroll was scheduled for Saturday, December 7, 2024 with everyone invited to attend, and an invitation had been extended to the daughter of City employee Robert Walker (who had recently passed away and who historically lit the annual Christmas Tree) to light the Christmas tree this year.

City Manager Young also reported this was the last week to sign up for the Pancake Breakfast scheduled for December 14, 2024, and announced the United States Department of Transportation Safe Streets and Roads for All had awarded Contra Costa County a multi-jurisdiction Corridor Planning Speed Reduction Grant in the amount of \$1.6 million and the City of Pinole had been included. San Pablo and Tennent Avenues would be evaluated for additional planning and demonstration projects for safety corridors.

The City of Pinole had also received a \$650,000 competitive grant award from the State of California for its efforts in affordable housing and pro-housing designation combined with matching grant funding to be secured over the next two years, with the award to generate a \$1.3 million investment in the Low- and Moderate-Income Housing Asset Fund, with at least 30 percent allocated to Extremely-Low Income Housing. This effort would be guided by an upcoming City Council policy where the funding would drive the Housing Element goals of expanding equity and housing opportunities.

The City of Pinole had also been awarded a two-year Policy Fund Grant from Partnership for the Bay's Future (PBF) to support innovative housing initiatives, and as part of the grant a PBF Fellow would collaborate with City staff and partners to develop impactful programs that were highlighted. In addition, the City had received a \$30,000 competitive grant from the Marin Clean Energy (MCE) Community Partnership Program. She thanked all Departments involved in bringing in all of the funding.

City Manager Young further reported that construction was underway at the Pinole Vista Shopping Center to install 16 Tesla Superchargers between Carl's Jr. and Big 5 Sporting Goods with completion due by early 2025. She also reminded everyone to take advantage of her office hours every Thursday from 3:00 to 4:00 p.m., or by appointment.

F. City Attorney Report

City Attorney Eric Casher wished everyone Happy Holidays. He reported that over the year there had been an active legislative session with a number of new laws to come into effect on January 1, 2025. Staff would prepare a memorandum of these new laws to be distributed as a reminder to staff, and to the extent any of the information was relevant to the public it would also be shared on the City website or via another form.

PUBLIC COMMENTS OPENED (Items 7D through 7F)

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

PUBLIC COMMENTS CLOSED

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Remembering Robert Walker

The City Council read into the record a proclamation remembering City employee Robert Walker for his lifelong dedication of service to the City of Pinole. The proclamation was presented to the Walker Family.

Tracy Walker, the daughter of Robert Walker, Jr., emphasized her pride, gratitude and emotion in accepting the proclamation recognizing the legacy of her father Robert Walker. On behalf of the Walker Family, she thanked the City of Pinole and the Public Works, Police, Fire Departments, the City Manager, City Council members and all City of Pinole staff who had worked to make this day possible along with the acknowledgement of her father's hard work, loyalty and dedication. For 45 years, her father had served the City of Pinole with unwavering commitment and quiet strength and did not show up daily for recognition or accolades but because he loved the community, not as a work place, but as a second home filled with people he deeply respected and cared about. The relationships her father built and the lives touched and examples set would forever leave a mark on the City.

Ms. Walker commented her father was not just a dedicated public servant, but a man of integrity, compassion and humility having treated everyone with respect and kindness and who believed in the potential of others. Her father made people feel valued and supported, and he believed in the power of community, hard work, importance of helping others and strength of perseverance no matter the challenges. Her father had a simple philosophy of working hard and never giving up, which values had guided him every day and defined the way he lived his life. His legacy was a testament to the kind of person he was, someone who believed in building a better future, not only for himself and his family, but for the entire community. The Walker Family was deeply grateful for the proclamation and the reflection of their father's life work, unwavering dedication and the impact he had on all.

Ms. Walker again appreciated the support and recognition to ensure her father's legacy continued to inspire and uplift others. She also expressed her deep appreciation and gratitude to the multiple members of the Pinole Fire Department (PFD) from Stations 73 and 74, members of the Public Works Department, City Council members and many other City staff who she recognized by name.

2. Honoring First Responders for their Exemplary Life-Saving Efforts on October 8, 2024

The City Council read into the record a proclamation honoring first responders for their exemplary life-saving efforts on October 8, 2024, in providing critical aid and assistance to City of Pinole employee Robert Walker, with the proclamation presented to the first responders involved in the October 8 call for service who were present in the Council Chambers.

PUBLIC COMMENTS OPENED

Captain Ludwick, Contra Costa County Fire Protection District (CCCFPD), and a former employee of the City of Pinole Fire Department, described the City of Pinole as his hometown, which was the reason he had not left. He detailed the events of October 8, 2024 and commended the fast action of the first responders. This incident hit home and as a native of the City of Pinole and along with other first -responders, this was the reason why many of these first responders had not left the City. The incident on October 8 involved a City employee and had been a traumatic accident and he extended his condolences to the Walker Family and emphasized that Robert Walker would be truly missed.

Captain Steven Dorsey, CCCFPD, and a former member of the City of Pinole Fire Department, provided his background when a member of the Pinole Fire Department and his friendship with Mr. Walker. He stated it had been a pleasure working with Mr. Walker over the past several years and he too thanked all first responders and City officials who had a role to play on the scene on October 8. Through the collaborative effort between the CCCFPD and City employees, it had allowed Mr. Walker the best possible chance for a positive outcome, although unfortunately that had not been the case. He too extended his condolences to the Walker Family. He thanked the City Council for recognizing Robert Walker and his legacy.

Acting Police Chief Matt Avery concurred that this incident had hit everyone hard for the reasons stated. He commented on his own background as a member of the Pinole Police Department and commented that the incident involving a City employee had not changed the response other than the emotional aspect. He too detailed the incident on October 8 and stated that Mr. Walker had lived his life with love and he too thanked him for his service.

PUBLIC COMMENTS CLOSED

Mayor Toms thanked the Walker Family for being present.

3. Honoring Matt Avery on His Retirement

The City Council read into the record a proclamation honoring Matt Avery on his retirement as Pinole's Acting Police Chief.

Acting Police Chief Avery thanked the City Council for the proclamation and highlighted his tenure with the Pinole Police Department and his desire to work for a smaller agency that was a family, one that was present for the community and looked after the welfare of co-workers. He was fortunate to have the opportunity where Pinole had become his career home and home for his family. He had been blessed to serve the community and enjoy every opportunity the City provided. It had been an honor to work alongside and lead the Pinole Police Department. He thanked former Police Chief Neil Gang, City Manager Young and others who had made that possible. He also thanked his coworkers and the community and emphasized there was no other place he would have wanted to serve his career than the City of Pinole. He thanked God for the blessings in his life and his family for their support, and expressed excitement for the next chapter of his life with his family.

City Manager Young stated she was humbled to sit amongst all the first responders and others present, and wanted to take a moment to revel in the significance of all of the proclamations. She had met Mr. Walker on her second day on the job, and he had become one of the people who had immediately made her feel welcome. He would always be in everyone's hearts. She had heard many comments from people about what Mr. Walker meant to them with a number of suggestions to honor his legacy. She again noted his 45-year service record, which was amazing and incredible and was a testament to Mr. Walker's love for the City and his work family. She emphasized Mr. Walker made the City of Pinole a better place and he would forever be loved and in everyone's hearts. She also recognized that when Mr. Walker needed help on October 8, the entire Public Works Department staff alongside Fire and Police had responded to the call for service. At this time, she thanked all first responders and City staff by name and thanked them all for their bravery and compassion.

City Manager Young also expressed her appreciation to Acting Police Chief Matt Avery, who had been her Police Chief during her time with the City, having provided guidance and support. She stated Acting Police Chief Avery's legacy went beyond the City of Pinole as he made an impact across several organizations through his leadership and volunteerism. She suggested Acting Police Chief Avery set the bar high, his shoes would be hard to fill, and his upcoming retirement would be bittersweet. She wished him well on his retirement and thanked him for his exceptional work and all he had done for the City of Pinole.

Council member Martinez-Rubin thanked Robert Walker's daughter and the Walker Family for the beautiful words about their father. It had been an honor to hear those words and she recognized the tremendous loss of a life. She expressed her appreciation to the team that responded to Mr. Walker on October 8 in the hopes for a better outcome. She also expressed her appreciation to Acting Police Chief Avery for his service to the City of Pinole and for his service as a volunteer, particularly for the Special Olympics. She wished him well on his retirement.

Mayor Toms extended her deepest condolences to the Walker Family and noted that the eloquent words offered by Mr. Walker's daughter were spot on as to how she had known Mr. Walker over the years. She also expressed her appreciation to the first responders and public employees and was pleased to see how that passion had affected other community members. She commended everyone involved.

Mayor Toms also commented she hoped to see Acting Police Chief Avery in the Special Olympics world and emphasized she had been honored to witness his volunteerism over the past 15 years or so through the Law Enforcement Torch Run and Bike Bridges programs. She congratulated him on his retirement. She thanked everyone for their attendance for these important proclamations.

B. Presentations: None

9. CONSENT CALENDAR

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

- A. Receive the November 16, 2024 - November 29, 2024 List of Warrants in the Amount of \$346,118.49 and the November 22, 2024 Payroll in the Amount of \$533,181.83.
- B. Adopt a Resolution to Increase Minimum Wage Pay Rates and Master Salary Schedule Updates. **Action: Adopt Resolution per Staff Recommendation (Charlene Davis, Stacy Shell)**
- C. Second Reading and Adoption of Pinole Municipal Code and Specific Plan Amendments Related to Housing Element Programs No. 10, 12 and 15 and Regulatory Consistency. **Action: Adopt Ordinance on Second Reading (David Hanham, Justin Shiu)**

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

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

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

Council member Tave requested a five-minute recess.

Mayor Toms declared a five-minute recess at this time. The City Council meeting reconvened at 6:11 p.m. with all members present at the dais and Teleconference Location.

10. PUBLIC HEARINGS:

- A. First Reading of an Ordinance Amending Chapter 10.56 “Speed Zones” of the Pinole Municipal Code. Action: Introduce and Waive First Reading of an Ordinance and Adopt a Resolution per Staff Recommendation (Eric Casher, Faby Guillen)**

City Attorney Casher provided a PowerPoint presentation for an ordinance amending Chapter 10.56 “Speed Zones” of the Pinole Municipal Code (PMC), which included an overview of Assembly Bill (AB) 43, which provided more flexibility to cities in setting speed limits. He referred to the presentation to the City Council on November 19, 2024 of the Engineering and Traffic Survey prepared by Willdan Engineering and noted that the City Council had approved the proposed survey with a few minor edits, and recommended staff prepare an ordinance reflecting the proposed updates. The proposed ordinance and fiscal impact were all highlighted.

City Attorney Casher also identified a typographical error on Page 130 of 197 of the agenda packet for Segment 6, Pinole Valley Road from Simas Avenue to South City Limit, which should correct the new speed limit to read: *30 MPH* not 300 MPH, with the final resolution to reflect the change. Also, in Chapter 10.6 of the PMC, there was a current section which reflected those segments and sections where there was an increase to the speed limits, although the Traffic Survey had not recommended increasing any speed limits. That section of the PMC would be removed as part of the ordinance.

Faby Guillen, Capital Improvement/Environmental Program Manager, highlighted the recommendations for segments with recommended speed changes/reductions, as shown in the PowerPoint presentation and December 3, 2024 staff report.

The City Council was asked to waive the first reading of the ordinance amending Chapter 10.56 “Speed Zones” of the PMC and adopt a resolution approving the revised Engineering and Traffic Survey.

PUBLIC HEARING OPENED

Rafael Menis was pleased with the assurance the typographical error would be corrected.

Irma Ruport asked whether San Pablo Avenue in Downtown Pinole would be included in the proposed segment changes, or had it been omitted or not suggested.

City Attorney Casher explained that segment was Segment 7, San Pablo Avenue from the East City Limit to Oak Ridge Road, which was currently at 25 MPH and was the lowest speed allowed for reduction. The City had considered making that area a Business District. There was a provision in the Vehicle Code that allowed a reduction of five miles per hour if in a Business District, but a condition must be met and the City could not go from a 20 MPH speed zone to a 40 MPH speed zone, which would be the case since that stretch had been dropped to 20 MPH and once entering the City of Hercules the speed increased to 40 MPH, which could be considered a speed trap. As such, Segment 7 had been left at 25 MPH since it legally could not be reduced to 20 MPH.

PUBLIC HEARING CLOSED

ACTION: Motion by Council members Martinez-Rubin/Murphy to waive the first reading of an ordinance amending Chapter 10.56 "Speed Zones" of the Pinole Municipal Code and adopt a resolution approving revised Engineering and Traffic Survey, subject to the correction to the resolution.

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

11. OLD BUSINESS: None

12. NEW BUSINESS: None

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

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

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

Rafael Menis provided an update on COVID-19 levels in the community, which continued to remain relatively low since last evaluated on November 16, 2024. He urged everyone to receive a booster vaccination or regular vaccination for COVID-19 and the flu. He also wished everyone Happy Holidays.

Mr. Menis highlighted a moment of courage in international politics related to the President of South Korea having attempted to declare martial law, but the legislature of South Korea in combination with the unions and the people had stood up for their democracy.

Mr. Menis commented while the President of South Korea stepped back, he had support from a significant part of the military. Even when things seemed to be overwhelming and people did the wrong thing, he emphasized the importance of standing together and using the structures and systems built to preserve the constitution and democratic compact. He also provided a brief statement with regards to President Biden having recently pardoned his son, and while he recognized President Biden cared for his son and the challenges they both had gone through, the span of the pardon and breath of it had gone beyond what even President Nixon had done, which could harm the integrity of the democratic process moving forward.

Bob Kopp stated he had put together a group of contractors who wished to build a memorial for Robert Walker, to be located in the ballfield parking lot on Pinole Valley Road. Information on this memorial had been provided to the Walker Family and to the City. He detailed the type of materials planned to be used including Cypress trees on both sides of the memorial with guard posts around it to prevent vandalism. He asked the City Council to approve the memorial which would involve no cost to the City since the costs would be borne by the contractors who would build and install the memorial. While he understood the City had procedures for approval for memorials, that took time and he hoped to have the memorial in place as soon as possible. He knew Mr. Walker for years and enjoyed working with him during community events and seeing him around the City. He asked the City Council to expedite the process for this memorial as quickly as possible.

Mayor Toms advised the request could be referred to the City Council Ad-Hoc Subcommittee.

Irma Ruport agreed that a memorial for Mr. Walker was appropriate and suggested renaming the Treatment Center since Mr. Walker worked at the facility for years and it would be an appropriate name change. As a member of the Community Services Commission, she suggested the memorial idea should be presented to the Commission for a discussion of memorials not only for Mr. Walker but others and suggested that could be a future agenda item for the City Council as well. She thanked all first responders for their efforts on October 8 and recognized this was the work they provided daily. She also congratulated Acting Police Chief Avery on his retirement. She otherwise asked that the City be all-inclusive with its memorials and she would like to see a wall or other type of memorial that would memorialize those lost who had made a mark in the lives of the community.

14. ADJOURNMENT to the Regular Meeting of December 17, 2024 in Remembrance of Amber Swartz.

At 6:33 p.m., Mayor Toms adjourned the meeting to the Regular City Council Meeting of December 17, 2024 in Remembrance of Amber Swartz.

Submitted by:

Roxane Stone, CMC *Heather Bell* for
Heather Bell, CMC

