



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

PINOLE CITY COUNCIL MEETING AGENDA

**April 2, 2024
5:00 PM**

**Attend in Person: PINOLE CITY COUNCIL CHAMBERS - 2131 PEAR STREET
OR
Attend VIA ZOOM TELECONFERENCE – Details provided below**

How to Submit Public Comments:

In Person:

Attend meeting at the Pinole City Council Chambers, fill out a yellow public comment card and submit it to the City Clerk.

Via Zoom:

Members of the public may submit a live remote public comment via Zoom video conferencing. Download the Zoom mobile app from the Apple Appstore or Google Play. If you are using a desktop computer, you can test your connection to Zoom by clicking [here](#). Zoom also allows you to join the meeting by phone.

From a PC, Mac, iPad, iPhone or Android:

<https://us02web.zoom.us/j/89335000272>

Webinar ID: 893 3500 0272

By phone: +1 (669) 900-6833 or +1 (253) 215-8782 or +1 (346) 248-7799

- Speakers will be asked to provide their name and city of residence, although providing this is not required for participation.
- Each speaker will be afforded up to 3 minutes to speak (subject to modification by the Mayor)
- Speakers will be muted until their opportunity to provide public comment.

When the Mayor opens the comment period for the item you wish to speak on, please use the “raise hand” feature (or press *9 if connecting via telephone) which will alert staff that you have a comment to provide and press *6 to unmute. To comment with your video enabled, please let the City Clerk know you would like to turn your camera on once you are called to speak.

Written Comments:

All comments received **before 3:00 pm the day of the meeting** will be posted on the City’s website on the agenda page (Agenda Page Link) and provided to the City Council prior to the meeting. Written comments will not be read aloud during the meeting. **Email comments to comment@ci.pinole.ca.us** Please indicate which item on the agenda you are commenting on in the subject line of your email.

OTHER WAYS TO WATCH THE MEETING

LIVE ON CHANNEL 26. They are retelecast the following week. The Community TV Channel 26 schedule is published on the city's website at www.ci.pinoles.ca.us.

VIDEO-STREAMED LIVE ON THE CITY'S WEBSITE, www.ci.pinoles.ca.us and remain archived on the site for five (5) years.

If none of these options are available to you, or you need assistance with public comment, please contact the City Clerk, Heather Bell at (510) 724-8928 or hbelle@ci.pinoles.ca.us.

Americans With Disabilities Act: In compliance with the Americans With Disabilities Act of 1990, if you need special assistance to participate in a City Meeting or you need a copy of the agenda, or the agenda packet in an appropriate alternative format, please contact the City Clerk's Office at (510) 724-8928. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Note: Staff reports are available for inspection on the City Website at www.ci.pinoles.ca.us. You may also contact the City Clerk via e-mail at hbelle@ci.pinoles.ca.us.

Ralph M. Brown Act. Gov. Code § 54950. In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies, which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

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

2. LAND ACKNOWLEDGMENT

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't Code § 87105.

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 representatives: Interim City Manager, Neil Gang, Human Resources Director, Stacy Shell, and Gregory Ramirez, IEDA

Employee organization: Management Compensation Plan (MCP)

5. RECONVENE IN OPEN SESSION TO ANNOUNCE RESULTS OF 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. PLEASE SEE THE COVERSHEET OF THE AGENDA FOR INSTRUCTIONS ON HOW TO SUBMIT PUBLIC COMMENTS

7. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Autism Acceptance Awareness Month

2. Arab American Heritage Month

3. National Pet Day

B. Presentations

1. Marin Clean Energy's (MCE) Application to the Department of Energy's GRIP Grant for the Virtual Power Plant Expansion in MCE Communities

8. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements
- B. Mayoral & Council Appointments
- C. City Council Committee Reports & Communications
- D. Council Requests for Future Agenda Items
- E. City Manager Report / Department Staff
- F. City Attorney Report

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 March 19, 2024.
- B. Receive the March 16, 2024 – March 29, 2024 List of Warrants in the Amount of \$230,954.20 and the March 29, 2024 Payroll in the Amount of \$497,529.78.
- C. Award A Contract For Landscape Maintenance Services (Rfp No. Pw-2024-02) To Pacific Site Management For An Amount Not To Exceed \$420,545 **Action: Adopt Resolution per Staff Recommendation (Sanjay Mishra)**
- D. Pinole Perks Program Update and Budget Allocation for FY23/24 and FY24/25 **Action: Approve restructuring of Pinole Perks program for FY23/24 and FY24/25 (Lilly Whalen)**
- E. City Clerk Contract Amendment **Action: Adopt a Resolution per staff Recommendation (Stacy Shell)**
- F. Memorandum of Understanding (MOU) with Marin Clean Energy (MCE) for Department of Energy (DOE) Grid Resilience and Innovation Partnerships (GRIP) Grant Application **Action: Adopt a Resolution per Staff Recommendation (Lilly Whalen)**

10. **PUBLIC HEARINGS**

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

- A. Urgency Ordinance Enacting a Temporary Moratorium on the Establishment of New Service Stations or Expansion of Existing Service Stations **Action: Adopt Urgency Ordinance per Staff Recommendation (Eric Casher, Lilly Whalen)**

11. **OLD BUSINESS**

- A. Receive Update on Status of Development of Parklet/Outdoor Dining Regulations in Pinole

and Provide Direction **Action: Receive Update and Provide Direction (David Hanham)**

- B. Real Property Transfer Tax/Charter City Measure for November 2024 Ballot **Action: Receive Report and Provide Direction (Markisha Guillory)**

12. NEW BUSINESS

- A. Purchase of general use vehicles to replace aging City fleet vehicles. **Action: Receive Report and Provide Direction (Joseph Bingaman, Sanjay Mishra)**

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

Open only 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 for City Council items 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 meeting.

14. ADJOURNMENT to the Regular City Council Meeting of April 16, 2024 in Remembrance of Amber Swartz.

I hereby certify under the laws of the State of California that the foregoing Agenda was posted on the bulletin board at the main entrance of Pinole City Hall, 2131 Pear Street Pinole, CA, and on the City's website, not less than 72 hours prior to the meeting date set forth on this agenda.

Heather Bell, CMC
City Clerk

POSTED: March 28, 2024 at 4:30 pm



Proclamation

AUTISM ACCEPTANCE AWARENESS MONTH APRIL 2024

WHEREAS, April is Autism Acceptance Awareness Month; and

WHEREAS, Autism Spectrum Disorder (ASD) is a developmental disability that can cause significant social, communication and behavioral challenges; and

WHEREAS, we celebrate difference, promote awareness, and spread knowledge about people living with Autism; and

WHEREAS, about 1 in every 54 children are affected by Autism and the disability can affect anyone, regardless of race, ethnicity, gender, or socioeconomic background; and

WHEREAS, Autism can take an emotional, physical, and financial toll on the families and children affected; and

WHEREAS, until recent years, Autism was considered to be a condition with poor prognosis. Now, research shows that early care and intervention key to helping those who are diagnosed with Autism progress towards an improved quality of life; and

WHEREAS, significant progress has been made in the last 30 years in the areas of research, medication, diagnosis and therapies for Autism and the effort to address Autism continue as doctors, therapists, and educators help individuals with Autism and their families adjust to its challenges; and

WHEREAS, America is founded on the idea that all people are created equal and deserve to be treated equally throughout their lives; and

WHEREAS, let's embrace our diversity; empower each other to reach our full potential; and promote the basic decency, acceptance, and fairness we know is right.

NOW, THEREFORE, I, MAUREEN TOMS, Mayor of the City of Pinole, County of Contra Costa, State of California on behalf of the City Council and the entire City of Pinole, proclaim **APRIL 2024** as **AUTISM ACCEPTANCE AWARENESS MONTH** and encourage all citizens to participate in the annual observance of Autism Awareness Month in the hope that it will lead to a better understanding of the disability and encourage our residents to become better educated and informed about programs, services and opportunities to support individuals with Autism

Maureen Toms

MAUREEN TOMS
MAYOR of the City of Pinole

Dated: this 2nd day of April 2024





Proclamation

ARAB AMERICAN HERITAGE MONTH APRIL 2024

WHEREAS, the Constitution of the United States proclaims that everyone is entitled to all the rights and freedoms set forth therein, without discrimination of race, religion, or other status; and

WHEREAS, the City of Pinole recognizes the contributions of Arab American students, families, and community members; and

WHEREAS, for over a century, Arab Americans have been making valuable contributions to all aspects of American society including medicine, law, technology, government, and culture; and

WHEREAS, Arab Americans have enriched our society by sharing their American spirit which has made our country proud and prosperous; and

WHEREAS, Arab Americans join all Americans in the desire to see a peaceful and diverse community, where all are treated equally; and

WHEREAS, the celebration of Arab American ancestry and cultural heritage encourages people to counter misconceptions and to acknowledge the positive impacts of a more diverse society; and

WHEREAS, the incredible contributions of Arab Americans have helped us build a better nation; and

WHEREAS, manifestations of religious intolerance, incitement, harassment or violence against Arab Americans within our city are condemned.

NOW, THEREFORE, I, MAUREEN TOMS, Mayor of the City of Pinole, County of Contra Costa, State of California, on behalf of the City Council and the entire City of Pinole, do hereby proclaim **APRIL 2024 AS ARAB AMERICAN HERITAGE MONTH** in the City of Pinole, And Urge all citizens to celebrate the past, present, and future contributions of this community.

Maureen Toms

MAUREEN TOMS
MAYOR of the City of Pinole



Dated: this 2ND day of April 2024



Proclamation

NATIONAL PET DAY APRIL 11, 2024

*WHEREAS, Pets are one of the most important parts of our lives and families;
and*

*WHEREAS, Pets enrich our lives and homes and make everyday life brighter and
happier; and*

*WHEREAS, National Pet Day on April 11th dedicates the day to those pets who
may not always get the companionship and attention pets deserve; and*

*WHEREAS, National Pet Day is a day set aside time to reflect on how those furry,
feathered, scaled, and other animal friends impact our lives, and it should also be a day
to think about what we can do to help our animal companions live a fuller, richer, and
happier life; and*

*WHEREAS, National Pet Day can be also be a great reminder that, as much we
love our animals, there are still many out there that need our help; and*

*WHEREAS, on this day, we can make a pledge to donate to shelters and
organizations that do so much incredible work on behalf of these animals; and*

*WHEREAS, many animal organizations can use volunteers to help them with their
mission and National Pet Day is a great time to consider giving your time to awesome
causes; and*

*WHEREAS, helping other animals in similar situations might be the perfect way
to honor your own pets, on National Pet Day.*

***NOW, THEREFORE, I, MAUREEN TOMS, Mayor of the City of Pinole, County
of Contra Costa, State of California, on behalf of the City Council and the entire City of
Pinole, do hereby proclaim APRIL 11, 2024 AS NATIONAL PET DAY and encourage
all Pinole citizens to observe this day with appropriate activities and to support local
animal shelters and rescues.***

Maureen Toms

**MAUREEN TOMS
MAYOR of the City of Pinole**

Dated: this 2ND day of April 2024



**CITY COUNCIL MEETING
MINUTES
March 19, 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 5:08 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*
*Arrived after Roll Call

B. STAFF PRESENT

Neil Gang, Interim City Manager/Police Chief
Heather Bell, City Clerk
Eric Casher, City Attorney
Sanjay Mishra, Public Works Director
Lilly Whalen, Community Development Director
Markisha Guillory, Finance Director
Maria Picazo, Acting Community Services Director
Kapil Amin, Sustainability Fellow
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on March 14, 2024 at 4:45 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.

City Clerk Bell reported Item 4B would be deferred to a future meeting.

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 representatives: Eric Casher, City Attorney and Stacy Shell, Human Resources Director

Unrepresented employee: City Clerk

B. CONFERENCE WITH LABOR NEGOTIATORS

Gov. Code §54957.6

Agency designated representatives: Neil Gang, Interim City Manager, Stacy Shell, Human Resources Director and Gregory Ramirez, IEDA

Employee organization: PPEA

C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Gov. Code §54957.9(d)(2)

Number of Potential Cases: 1

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

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

At 6:05 p.m., Mayor Toms reconvened the meeting into open session and reported there was no reportable action from the Closed Session.

Mayor Toms moved to Item 7. Recognitions / Presentations / Community Events, 7A at this time.

7. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Nowruz

The City Council read into the record a proclamation recognizing March 19, 2024 as Nowruz, Persian for New Day, marking the vernal equinox and the beginning of spring.

PUBLIC COMMENTS OPENED

Vincent Salimi, Pinole, thanked the City Council for the proclamation on behalf of the Iranian-American community; wished everyone a Happy Nowruz; highlighted the background of Haft-Sin, an arrangement of seven symbolic items that start with the letter “s” on display on a table in the entryway to the Council Chambers; and introduced Ushain Pakpour, who performed a violin musical piece, with accompaniment from another artist who performed on the “tar,” a long-necked, waisted lute instrument for the benefit of the City Council and members of the audience in the Council Chambers.

PUBLIC COMMENTS CLOSED

2. César Chávez Day

The City Council read into the record a proclamation recognizing March 31, 2024 as César Chávez Day.

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

The City Council returned to Item 6.

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.

Marie Bowles, Pinole, reported the West Contra Costa Unified School District (WCCUSD) Board had recently voted in Closed Session to demote Kibby Kleiman as the Principal of Pinole Valley High School to a teacher in the WCCUSD, leaving the entire community devastated. This situation had been discussed on various social media platforms and Principal Kleiman had been informed his demotion occurred since his employment was “at will,” allowing the WCCUSD Board to terminate Principal Kleiman’s employment for any reason at any time provided it was not illegal.

Ms. Bowles emphasized Principal Kleiman has been a beloved member of the community and a member of the WCCUSD for the past 35 years. She also referenced three legal complaints filed against the WCCUSD suggesting students’ civil rights had been violated since students had been without teachers for months. She encouraged the WCCUSD Board to work with the excellent Principals and teachers they were lucky to have so they would want to stay in the district.

Ms. Bowles also detailed Principal Kleiman's many positive actions and efforts for Pinole Valley High School students and explained that she was addressing the City Council to inform it of the matter, particularly since a recent demonstration in support of Principal Kleiman in front of Pinole Valley High School had made the local news. She hoped the City Council would support the efforts to reinstate Principal Kleiman and that the WCCUSD would reagendize this issue.

Rafael Menis, Pinole, agreed with the comments from the prior speaker about the removal of Kibby Kleiman as the Principal of Pinole Valley High School and spoke to his personal interactions with Principal Kleiman. He suggested it would be a loss to the students of the high school to no longer have Mr. Kleiman as the Principal.

Mr. Menis also reported the City Manager Recruitment Community Survey had recently been posted to the City website and an in-person event had been scheduled for Saturday, March 23, 2024 at the Senior Center from 10:00 to 11:30 a.m. In addition, he provided an update on the current COVID-19 hospitalization rate per the Centers for Disease Control and Prevention (CDC) and statistics from the sewer chart trackers, which had shown a downward decline. He wished everyone a Happy Nowruz and Happy New Year.

Jamela Smith-Folds, President, WCCUSD Board of Directors understood many people had questions about the WCCUSD Board decisions. She provided the background of the process for the WCCUSD Board when making decisions on policy and oversight. The WCCUSD Board took into account recommendations from the WCCUSD Superintendent and cabinet along with input from the public, and once all information had been gathered an informed decision was made. Given the privacy rights of employees, the community was not privy to all information. She emphasized the WCCUSD Board must follow union contracts which included procedures and human resources policies that were filled with actions, and the WCCUSD must follow its own practices when asked to take action.

WCCUSD Board President Smith-Folds suggested the narrative that things had suddenly been sprung on employees was inaccurate and while the community may have been caught off guard because it seemed sudden, the employee had not and there had been five unions involved. She added that employees had rights and employees were made aware of those rights. She also disagreed with the narrative that she had not listened to the community. She heard the community's concerns, understood their viewpoint as a parent, teacher and advocate and acknowledged those concerns were valid although the community did not have the information she had. She emphasized her role was to serve and make hard decisions and she would continue to help students, parents, staff, the City Council, the community and anyone else who needed and wanted to understand how the educational system worked.

Stella Miranda, Pinole, also spoke to the 4-1 vote of the WCCUSD Board to remove Principal Kleiman as Principal of Pinole Valley High School, which had left parents, students and community members in disbelief and devastation. She reported that the WCCUSD Board had allowed only limited public comment prior to going into its Closed Session, leaving parents and students feeling deceived and their voices meaning nothing. While she understood the WCCUSD Board could not comment on personnel issues given privacy rights, she suggested they should have listened to the comments from those they served prior to making a decision. She hoped the November 2024 election for WCCUSD Board Trustees would allow the election of individuals who had children's best interests at heart.

Ms. Miranda emphasized that since Principal Kleiman had come to the Pinole Valley High School campus, he had made the students feel respected and cared about. She suggested the WCCUSD Board revisit and reverse its decision, otherwise the WCCUSD may lose students to private schools, home schooling and other sources resulting in a loss of teachers and income services provided by parents. The WCCUSD was already suffering from a lack of teachers and was under scrutiny from the County. She encouraged interested persons to run for the WCCUSD Board of Trustees.

Annette P., Pinole, thanked the City Council for the César Chávez Day proclamation. As a parent of a student at Pinole Valley High School, she hoped the WCCUSD Board would support the Pinole Valley High School Choir where Director Lim, like Principal Kleiman, had gone above and beyond for the students. She reported the WCCUSD had stated it no longer had funds available for buses for field trips and events, although she understood excess funds were not being allocated properly. Director Lim had requested the City Council sponsor a study trip event on May 3, 2024 in support of Asian American Pacific Islander (AAPI) Month and an annual variety show on May 16, 2024. She too suggested the WCCUSD Board's decision to demote Principal Kleiman was a bad decision given that Principal Kleiman was supportive of students and in attendance for all student events. At this time, she read into the record an excerpt from a letter of recommendation Principal Kleiman had written for her child.

Tiffany McCoy, Pinole, introduced her son who expressed his disappointment with the WCCUSD Board's decision to demote Principal Kleiman since he had been very supportive, attended all sporting events and if he were removed from Pinole Valley High School, he would likely not attend the school in the future. His mother explained that her son was a special needs student who had experienced some challenges and Principal Kleiman had always been supportive and trusted.

Debbie Long, Pinole, echoed the accolades provided by the public for Principal Kleiman. She had worked with Principal Kleiman on many WCCUSD issues and had worked with many other Principals and Principal Kleiman had surpassed all others. She suggested the WCCUSD Board's action with a 4-1 vote was not a closed book and there was room to start thinking about this decision. She understood members of the City Council had supported Ms. Smith-Folds in her latest election since she would represent the community, parents and students well; however, in her opinion, Ms. Smith-Folds was not representing anyone well now. She urged the City Council to consider future endorsements in terms of how it may reflect on each City Council member. She also requested the City Council send a letter to the WCCUSD Board and demand the reinstatement of Principal Kleiman.

Karen Rockman, Pinole, asked the City Council to sponsor funds for buses for use by the Pinole Valley High School Choir for an upcoming AAPI event. She commended the work of the Choir Director. She also commented her husband had been a teacher in the WCCUSD at Tara Hills Elementary School. Her husband passed away in October 2023 and no one from the WCCUSD had extended their respects to her or her daughter although Principal Kleiman and the school had helped them. She questioned the decision to demote Principal Kleiman and asked if he had done something wrong why the WCCUSD Board was recommending he continue as a teacher in the district. She hoped the City Council could help to reinstate Principal Kleiman who had provided great support for the community and students.

Heather Hernandez, Pinole, parent of a student at Pinole Valley High School, echoed the comments about Principal Kleiman.

Ms. Hernandez commented that the high school had been unsafe prior to Principal Kleiman's tenure and a teacher had testified at the WCCUSD Board meeting that under seven Principals, Principal Kleiman had been the best. She found the WCCUSD Board's decision had not been transparent and while she understood employee information could not be divulged, her public comment had been prevented from being provided during the recent WCCUSD Board meeting. She pointed out the WCCUSD was in danger of being taken over by the State, the district was unable to recruit top talent and Principal Kleiman had been personally supportive of the students. She also found that WCCUSD Board President Smith-Folds had not been transparent, had not handled the matter correctly, had not listened to concerns and she asked that someone with more integrity, honesty and who would represent all students regardless of their background be considered at a future WCCUSD Board of Trustees election. She too hoped that Principal Kleiman would be reinstated. If not, she hoped Principal Kleiman would be able to secure employment where he would be respected and supported as an employee.

Mark Shalz, Pinole, stated he had previously spoken to the City Council at its February 20, 2024 meeting about the need for the Pinole Valley High School Swim Team to have an alternate location to practice. He had spoken to the Manager of the Contra Costa College Pool facility and had learned the pool would close in November 2024 for mechanical repairs, and after the 2025 season for resurfacing improvements. With respect to the issue regarding Principal Kleiman, he too found he had been an asset to the school and the community and he saw the benefits of teaching students' good behavior. Principal Kleiman had also been an advocate of helping the downtown business community. He hoped the City Council had some sway to address the WCCUSD Board's drastic and unfair decision to demote Principal Kleiman.

Michelle Brown, Pinole, a parent of a student at Pinole Valley High School, had been hesitant to place her child in the WCCUSD given the lack of rigor, discipline and concerns for safety within the WCCUSD. While she ultimately sent her child to the WCCUSD against her better judgment, she had been impressed with Principal Kleiman and his tireless work for students and families as well as the community at large. She was appalled that the WCCUSD Board had voted 4-1 to remove Principal Kleiman with irreparable harm to the community. She stood against the WCCUSD Board's decision and she too hoped for Principal Kleiman's reinstatement so that he may continue his legacy at Pinole Valley High School.

Irma Ruport, Pinole, commented that during the January 16, 2024 City Council meeting, the City Council agenda included a proclamation recognizing Martin Luther King Jr., but the proclamation had only been mentioned and had not been read into the record. At this time, she read the proclamation into the record. She emphasized that along with César Chávez, Dr. Martin Luther King Jr., should never be forgotten and both should always be remembered for their fight to ensure rights for all. She also commented that the WCCUSD Board decision had been made by elected officials and this was not the forum for the discussion and Principal Kleiman had other avenues to address the matter.

Frankie Martinez, Pinole, explained that when someone was asked to leave a state or federal position there were guidelines and policies that must be adhered to before any separation. He suggested the public should be respectful of the individuals who had to make a choice to make changes but the comments from the public should not be discounted to ensure that students were getting the proper education. He trusted those who had been elected to protect students and ensure the best quality education and recognized there was information the public did not have and legal processes must be followed, and the issue was not under the City's jurisdiction.

Lisa Alva, Pinole, a parent of children in the Pinole school system, urged attention to the voices of the children and their parents. She suggested the 4-1 vote of the WCCUSD Board was made by people who did not know Principal Kleiman and his work for students, families and the community. She thanked the City Council for listening to the parents and children and she hoped the City Council could assist the community with the reinstatement of Principal Kleiman. She hoped this was not a financial decision made by the WCCUSD Board and emphasized that Principal Kleiman meant more to the students and families than anything else.

The City Council moved onto Item 7B. Presentations.

B. Presentations

1. ConFire

Contra Costa County Fire Protection District (CCCFPD), Deputy Fire Chief Brian Helmick provided a PowerPoint presentation titled Fire, Rescue and EMS 12 Month Update for the City of Pinole, which included an overview of the CCCFPD coverage area, employees (firefighters and civilian staff) fire stations, apparatus fleet, administration and CCCFPD all-hazards and full-services district; status of Fire Stations 73 and 74; 2023 CCCFPD Fire Accomplishments; 2023 City of Pinole Response Numbers; Wildfire Threat in Pinole and Contra Costa County and information on the Pre-Season Wildfire Preparedness Town Hall and Open House planned for May 11, 2024 from 10:00 a.m. to 2:00 p.m., and a Town Hall from 10:00 to 11:00 a.m. on the same date, at Fire Station 74 at 3700 Pinole Valley Road.

CCCFPD Deputy Fire Chief Helmick looked forward to preparing for future growth in the City of Pinole and education when needed. He expressed his appreciation to Interim City Manager/Police Chief Gang and City staff for working through the process as part of the Pinole Fire Department's transition to the CCCFPD.

Council member Murphy thanked the Deputy Fire Chief for the quarterly presentations and making the CCCFPD accessible to the City Council and the public. He also thanked the Interim City Manager/Police Chief for ensuring that the relationship between the City of Pinole and the CCCFPD remained strong during the transition. He spoke to the number of Emergency Medical Services (EMS) calls, with almost 60 percent of the calls in Pinole EMS related and asked for an update on Assembly Bill (AB) 40, Emergency Medical Services.

Deputy Fire Chief Helmick explained that AB 40 allowed for collaboration with hospitals, with the root issue, "wall times," the time it took for transfer care, responsibility from ambulance transfers to the hospital and allowing EMS to get back into service and into the system. At one time, the wall times were up to four hours or greater, which created a situation where half of the resources were at the hospital. While the problem had not been resolved and challenges remained a statewide EMS issue, the situation and communications had slightly improved, with AB 40 requiring hospitals to have a quicker turnaround time.

Council member Murphy looked forward to being an ally and partner in systemic changes and urged the CCCFPD to provide any information in that regard.

Deputy Fire Chief Helmick expressed the willingness to keep the Interim City Manager/Police Chief apprised of any updates.

Council member Murphy appreciated the flyers for the upcoming Open House and looked forward to having as many people as possible attend, meet the firefighters and provide input. He thanked the Interim City Manager/Police Chief for making it a priority.

Mayor Pro Tem Sasai also appreciated the proactive and ongoing collaboration between the City and the CCCFPD and the efforts for a seamless transition. He asked whether EMS and non-EMS times had improved with the new partnership with the CCCFPD.

Deputy Fire Chief Helmick stated emergency medical services and all calls overall in Pinole had dropped approximately a minute and six seconds. Those improvements were within the area of Fire Station 74 and there had also been improvements for the Fire Station 73 area since they did not have to respond to the areas of Fire Station 74.

Mayor Pro Tem Sasai understood there was new signage for Fire Stations 73 and 74, and noted the City Council would be considering the establishment of a new City seal, logo and branding guidelines later on the agenda. He wanted the CCCFPD to be aware of that effort.

Deputy Fire Chief Helmick advised he would coordinate with the Interim City Manager/Police Chief on the new signage.

Council member Martinez-Rubin asked about enhanced services related to air and water and asked whether those services had been used in the past year and whether more information on advanced life support could be provided.

Deputy Fire Chief Helmick clarified the use of air resources. As to the enhanced water services, water tenders (portable hydrant) had been a resource provided to the area. He also commented that in an emergency, people were asked to remain as calm as possible, and articulate to what was happening to ensure the proper emergency response when contacting dispatch. 911 calls either via a landline or cellular telephone were sent to a regional dispatch center located in the City of Pleasant Hill where information was gathered and if people were willing and able, steps would be provided for possible self-care. Through a communication and systematic process, whether an emergency or not, an evaluation of the situation would occur once emergency personnel arrived on-scene.

Council member Tave encouraged everyone to attend the upcoming Town Hall and Open House and consider a career in fire safety. He asked how the proximity to the closest hospital facility compounded the “wall times.”

Deputy Fire Chief Helmick commented that would depend on the nature of the emergency as to what hospital facility a patient would be taken in that traumatic injuries would be taken to John Muir Hospital in Walnut Creek. He detailed the process which determined where patients were taken and the fact many medical facilities had specialties. He also detailed the process for a mass-casualty event and collaboration between the CCCFPD and other emergency response agencies.

Council member Tave encouraged his colleagues and the community to realize the benefits of the partnership with the CCCFPD and the close proximity of Fire Station 74, which benefitted the community. He thanked the CCCFPD and the City for the collaboration that had worked well.

Mayor Toms referenced AB 40 and asked when it had been implemented, and Deputy Fire Chief Helmick advised that AB 40 had gone into effect on January 1, 2024.

Mayor Toms understood there was also legislation proposed for an Emergency Medical Services Review Committee, which would be discussed at an upcoming League of California Cities Policy Committee. She suggested if there were any questions or comments, they could be brought to the attention of the Mayor Pro Tem since he served on that committee.

Deputy Fire Chief Helmick advised that Fire staff had been discussing the proposed legislation.

Mayor Toms asked whether 911 calls from a cellular phone were routed to the Pleasant Hill dispatch center or the California Highway Patrol (CHP), to which Deputy Fire Chief Helmick stated it would depend on the geographic location.

Mayor Toms also understood that CAL FIRE was in the process of creating new hazard maps and it would be good to review those maps and connect with City staff to determine what should be done in the Safety Element or Local Hazard Mitigation Plans.

Deputy Fire Chief Helmick reported he would be working with the Interim City Manager/Police Chief on the East Bay Wildfire Memorandum of Understanding (MOU) and the CAL FIRE Fire Hazard Severity Zone Maps, currently being discussed at the staff level and to be brought to the City Council in the future.

Mayor Toms suggested a QR code be considered to allow residents to sign up for the Community Warning System (CWS) during the upcoming Open House at Fire Station 74.

Deputy Fire Chief Helmick advised that information would be provided during the Open House.

PUBLIC COMMENTS OPENED

Irma Ruport, Pinole, a former Public Safety Committee member wanted to see some of the firefighters in Fire Stations 73 and 74 periodically attend City Council meetings, introduce themselves to the public and explain what they did. She asked that local Channels 26 and 28 promote public safety, thanked the Police Chief, Pinole Police Department and the CCCFPD for their collaboration and asked that there be no conflicts with any other community event during the May 11, 2024 Open House at Fire Station 74.

Ms. Ruport added that Santa Clara Neighbors had joined Pinole's NextDoor platform and had asked to be invited to the May 11 Open House for Fire Station 74 and she asked that all avenues of communication be used to promote that event.

Anthony Vossbrink, Pinole, thanked the Deputy Fire Chief for the presentation. He understood the CCCFPD had an issue with a former Battalion Chief who had been charged with illegal activity and asked whether that may affect the good things the CCCFPD was doing. He also asked the status of repair of a multiuse fire trail behind Adobe Road, Fire Station 74 and the caretaker's house, which was to have been repaired several years ago although nothing had been done.

Mayor Toms suggested the dirt fire road behind Fire Station 74 should be looked into as to whether there was potential for repair of a slide and whether it was needed for wildfire access since it also served as a multiuse trail.

Deputy Fire Chief Helmick explained that the fire trail referenced had come up with the CCCFPD pre-contract. The CCCFPD could protect the area with alternative means which had been pre-planned. From an emergency response perspective, the need was not there and it was not a wise place to invest funds.

Mayor Toms looked forward to the upcoming CCCFPD Open House.

PUBLIC COMMENTS CLOSED

Council member Tave asked that the City Council move on to agenda Item 9. Consent Calendar given the number of members of the audience present to address Item 9D.

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 November 7, 2023 and the Minutes of the Regular City Council Meeting on March 5, 2024.
- B. Receive the March 2, 2024 – March 15, 2024 List of Warrants in the Amount of \$2,215,762.27 and the March 15, 2024 Payroll in the Amount of \$506,847.65
- C. Approve Annual Progress Report on Housing Element Implementation. **Action: Receive Report (Justin Shiu, David Hanham)**
- D. City of Pinole Sponsorship of the Pinole Valley High School's Asian American Pacific Islander (AAPI) Heritage Month Study Stop at the Asian American Museum in San Francisco and Broadcast of Heritage Show. **Action: Adopt Resolution per Staff recommendation (Heather Bell)**

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, referenced Item 9A, the meeting minutes for the Regular City Council meeting of November 7, 2023, and suggested it would be worthwhile for Council member Martinez-Rubin to apologize to Council member Murphy for the comments she had made, as shown on Page 35 of 497 of the agenda packets. For Item 9D, he found the request from the Pinole Valley High School students to be a good idea, but asked about the cost for Pinole Community Television (PCTV) to broadcast the Heritage Show.

Joseph Lim, Choir Director, who also taught piano at Pinole Valley High School, spoke to his Filipino background, his tenure as a Pinole Valley High School teacher, and the benefits afforded him when he was a student with a full tuition scholarship to attend a Music Festival in Hawaii, an experience that had led him to become a music teacher and had led to his desire to move that experience forward. He provided an overview of the celebration of AAPI Heritage Month during the month of May, and the tradition to organize an AAPI Variety Show at Pinole Valley High School, which had been expanded to include a variety of events with AAPI Clubs from other schools outside of the district, and a study trip in May to visit the Asian Art Museum, Fortune Cookie Factory, stop for lunch in Chinatown and possibly a stop in Japantown. He emphasized the importance of the event for the students inspiring them to possibly be teachers or City officials one day, and being active members of their own community. He requested that the City of Pinole partner with the AAPI organizations to sponsor the study trip.

The following students of Pinole Valley High School, members of the Pinoy Club, K-pop Club and the Pinole Valley High School Choir, advocated for the approval of Item 9D, including Keeley Phan, Isabelle Moudgil, Brien Bernardo, Patricia Ignacio, Kellyanne Laurico, Mar Jay Manansala, Malaya Munar, Jorjeanne Jimenz, Liani Saechao, Jodea Molina, Sheesar Gurning, Faith Parsons, Shawn Adam and Lepona Fasia. The students asked that Consent Item 9D be approved, which would sponsor the AAPI Heritage Month Study Stop at the Asian American Museum in the City of San Francisco, AAPI Festival/Showcase on May 16, 2024 to show pride in the Asian community.

If given the opportunity, the students indicated they would be able to do more to help others, keep student clubs a safe place, with the funds for the event to be used for transportation fees, attendance at the Asian Art Museum, Golden Gate Fortune Cookie Factory, lunch at a San Francisco restaurant and payment for those students unable to afford the trip on their own. The event would offer students and the AAPI community an opportunity for education and AAPI students the ability to learn about the culture of their classmates. There had been challenges obtaining transportation and funding for past trips. City Council approval of funds would greatly benefit the students, foster inclusivity, understanding and unity amongst the students. The City Council was asked to approve Item 9D, as proposed, which would help to strengthen the community of students at Pinole Valley High School and the county.

Mayor Pro Tem Sasai thanked the City Council for considering the request for sponsorship and the educators and students present who had waited to speak on the item. He emphasized the importance of making public comment and the impact the speakers had made. He asked the City Council to consider approval of Item 9D, as requested.

Council member Tave recognized the difficulty in public speaking. He too was pleased to see the number of students and educators present and was pleased to see that Item 9D would benefit many. He hoped this action would help to program future events.

Mayor Toms commented she had concerns with Item 9D since the City of Pinole was a City government and not a grantor of funds. If the item was approved, she expected to have requests from other student clubs and that was not what the City was set up for, to make grants for all of the different club organizations; however, the students had changed her mind for this initial item. She did caution her fellow Council members she would likely not support any future agenda items like this given the City's tight budget and she wanted to see more fundraising and use of public transportation that was safe and less expensive than the cost per person for the bus expense.

Council member Martinez-Rubin thanked the students for their participation through public speaking and Mr. Lim for his guidance as an instructor and teacher of music programs. She asked whether the WCCUSD Board had offered any funding for the program, noting that electeds had recently participated in a tour of WCCUSD schools and traveled on a charter bus, which was half-full and provided by the WCCUSD to the electeds for that purpose.

Mr. Lim acknowledged an explicit request had not been made to the WCCUSD Board but he had been informed there was no more funding for buses for sports teams that were being forced to use one to two white vans to transport athletic teams. He reported over 100 students wanted to participate in this program and they were faced with difficult decisions as to how to fund it.

PUBLIC COMMENTS CLOSED

ACTION: Motion by Council member Murphy/Mayor Pro Tem Sasai 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

The City Council returned to Item 7B.2.

2. Fourth of July Celebration Update by Acting Community Services Director, Maria Picazo

Acting Community Services Director Maria Picazo provided a PowerPoint presentation and update on the Fourth of July celebrations that included an overview of the 2023 event and details of the upcoming 2024 event, which would include a family friendly event at Pinole Valley High School's football field to start at 6:30 p.m. and include a live band, food trucks, children's activities and a parade from 8:45 to 9:15 p.m. The event would conclude with a 12-minute drone show to be presented from 9:30 to 9:45 p.m. The drone show would be customized, feature 110 drones, be visible to the immediate vicinity but also possibly visible for up to a mile away from the launching location depending on conditions. The drones would fly 150 feet in the air with no smoke or fire risks or Federal Aviation Administration (FAA) permits or licenses required.

Examples of drone shows were provided along with the children's activities and with the parade to feature local organizations, schools and groups along with the participation of the Pinole Valley High School Marching Band and choir. Event costs had been estimated at \$77,000.

Council member Tave asked whether it was possible to view an example of the drone show prior to the event, and Acting Community Services Director Picazo explained the vendor would provide more details once under contract.

Council member Martinez-Rubin clarified with Acting Community Services Director Picazo the event costs, with the City Council having allocated \$50,000 for Fiscal Year 2023/24 for a Fourth of July celebration. For the 2023 fireworks show, \$12,500 had been expended for the deposit with \$37,500 available to start the planning for the 2024 event.

Community Services Director Picazo explained that the remaining costs would be allocated in the Fiscal Year 2024/25 budget. Whether components of the proposed show could be reduced without eliminating the excitement, it would likely result in the elimination of the children's activities and band. A breakdown of the \$77,000 cost, which was not before the City Council at this time, could be provided.

Interim City Manager/Police Chief Neil Gang explained that a unified event came with increased costs. Given feedback over the years, a unified event could be a flagship for the community and staff wanted to start a legacy for the community moving forward. If this effort did not work that could be taken into consideration next year; however, given the timing, staff was of the opinion this proposal would benefit the community.

Mayor Pro Tem Sasai again clarified the budget and expressed his disappointment with the loss of the deposit for the 2023 fireworks display, which had not occurred since a safe and viable location had not been found to host the fireworks show in Pinole. He was pleased that security concerns had been taken seriously and he looked forward to the drone display.

Council member Murphy thanked staff for its vision, doing something at Pinole Valley High School and the inclusion of a parade. He was pleased that fireworks were not being considered and be replaced with a drone show, which had been discussed for a few years and would be something different for the community. He otherwise found that the Fourth of July was a bittersweet holiday, the celebration of Independence Day for America and questioned who was free on the Fourth of July, which was a concern and an opportunity to consider programming as they moved forward to invest in something meaningful to the community. He found that staff had found a way for the community to come together but wanted to consider what democracy and freedom looked like and wanted to see that message implemented into the Fourth of July parade.

Council member Murphy supported any event that brought the community together. He noted the Fourth of July event in 2023 had been celebrated along with Juneteenth and Pride, and when considering investment in community programs he wanted to consider that lens as they moved forward. He found that staff had provided a vision pursuant to previous City Council direction but wanted to challenge the City Council that the message was reflective of the diversity of Pinole, and perhaps they had to reconcile injustices and the false narrative of history that had been taught to most, including the idea that on the Fourth of July all were free.

Council member Murphy wanted to see a future agenda item with an update on the Juneteenth and Pride celebrations to ensure there was a good vision in place and wanted the community to be reminded of the success from 2023. He supported this item at this time and the work of staff, but again wanted to ensure the program invested for Juneteenth and Pride were the flagship programs. He wanted to see the City continue to invest and continue to map out community programming and services that made a difference in the community. He commended the work of Ms. Picazo in carrying out the City Council's vision, with such programs an opportunity to coalesce a wider range of peoples in Pinole.

Mayor Toms found Council member Murphy's comments to be inspiring and educational. Every two years in January the City Council held a planning workshop and she suggested that should be changed to an annual workshop, potentially during budget discussions, to discuss what staff should be working on and changing the direction of some City events. She wanted to see more detail on the budget for the event.

Mayor Toms reported she had viewed a lighted display in the City of Martinez around December 2023, which drew the community and was something she wanted to see in Pinole, if the proposed drone show was cost prohibitive. She looked forward to more details in the future.

Interim City Manager/Police Chief Gang reiterated that given the timing and staff transitioning, the proposal was the plan for the Fourth of July celebration for this year and allowed an opportunity to incorporate City Council comments in the next year's event.

8. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Toms reported she had attended the Mayors' Conference in the City of Martinez with a discussion of college funding programs particularly around community colleges; via Zoom she had attended a WCCUSD Board meeting and met with Pinole Valley High School parents and teachers over the past week; Coffee with the City; CivicWell Conference with a focus on climate change, transportation and finance issues and announced the State of the City Breakfast would be held on March 21, 2024 with tickets available at the Bay Front Chamber of Commerce. She also planned to attend the upcoming League of California Cities Housing, Community and Economic Development Policy Committee meeting in the City of Burbank on March 21 through March 22, 2024.

B. Mayoral & Council Appointments: None

C. City Council Committee Reports & Communications

Mayor Pro Tem Sasai reported he had attended the Mayors' Conference in the City of Martinez; Nordstrom Rack Grand Opening in Pinole Vista; City Seal Ad-Hoc Subcommittee and had been unable to attend the recent WestCAT Board meeting due to illness. He too planned to participate in the League of California Cities Housing, Community and Economic Development Policy Committee meeting in the City of Burbank on March 21 through March 22, 2024.

Council member Murphy was pleased with the attendance for the Nordstrom Rack Grand Opening. He had attended the National League of Cities Conference in Washington D.C., Congressional City Conference and highlighted the topics of discussions and bills that had been lobbied; looked forward to the next Pinole-Hercules Wastewater Treatment Plant Subcommittee meeting having recently toured the facility; reported Congressman Garamendi and the City of Pinole were working to secure a grant from the Federal Emergency Management Agency (FEMA) Safer Grant Program; and provided an update on the WCCUSD Community Schools and Systems Change Collaborative, an initiative and community school strategy that transforms a community into a place where educators, local community members, families and students worked together to strengthen the conditions for student learning and healthy development. He had also provided an overview of the Plays Initiative, which was a partnership between Contra Costa County, WCCUSD, West Contra Costa County Childrens and Sports Programs and cities that wanted to opt-in, with the goal to increase the usage of WCCUSD Sports Facilities by non-profit local youth sports groups through a County funding investment by using indoor and outdoor sports facilities.

Council member Murphy also reported that Bay Front Park had a new bench installed and he thanked the Interim City Manager/Police Chief and the Public Works Director for ensuring fallen trees had been removed and other trees pruned. He further announced an open forum would be held on March 23, 2024 for the City Manager Recruitment at the Senior Center from 10:00 to 11:30 a.m., and he encouraged community participation.

Council member Tave reported he had attended a meeting of RecycleMore and the West Contra Costa Transportation Advisory Committee (WCCTAC) Board and briefed the City Council on all topics of discussion.

Council member Martinez-Rubin reported she had attended the City Seal Ad-Hoc Subcommittee meeting with a presentation of the final designs for the City seal and logo, to be presented to the City Council later on the agenda; participated in the City Manager's Sales and Tax Working Group Committee and briefed the City Council on the topics of discussion; planned to attend the March 21, 2024 Revenue and Taxation Policy Committee in the City of Burbank and briefed the City Council on the scheduled topics for discussion. She wished everyone a Happy Spring.

D. Council Requests for Future Agenda Items

ACTION: Motion by Council member Murphy/Mayor Toms to direct staff to prepare a Letter of Support for Assembly Bill 3259, Transactions and use taxes.

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

ACTION: Motion by Council member Murphy/Mayor Toms to direct staff to prepare a Letter of Support for Assembly Bill 2584, legislation banning corporations from purchasing Single-Family Homes.

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

ACTION: Motion by Mayor Pro Tem Sasai/Council member Murphy to direct the Municipal Code Update Subcommittee to discuss the requirements of Senate Bill 1194, which allowed local and county jurisdictions to require gender neutral restrooms in new developments and make recommendations to the City Council on an ordinance to comply with Senate Bill 1194.

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

ACTION: Motion by Mayor Pro Tem Sasai/Council member Murphy for a City Council level presentation on the ability of the City to prohibit right turns on red lights throughout the City of Pinole consistent with the California Vehicle Code.

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

Council member Martinez-Rubin requested through the Mayor the preparation of a Letter of Support of Principal Kibby Kleiman. The Letter of Support would be for the WCCUSD Board to place an agenda item before the end of the Fiscal Year so that the WCCUSD Board may reconsider the decision to demote Principal Kibby Kleiman given his decades long record of building community in Pinole, supporting students, teachers and parents, creating programs to elevate youth and their parents, working with non-profit organizations in Pinole such as the Rotary Club, Friends of Pinole Creek Watershed, Pinole Historical Society, as examples and Pinole Council members to create access to the students to be participants in some of these non-profit programs and non-profit sponsored activities, and that Kibby Kleiman be reinstated as Principal at Pinole Valley High School.

Council member Martinez-Rubin stated, when asked, that she had not spoken with Kibby Kleiman about the request and her request for a future agenda item was in response to the public comment and given Principal Kleiman's history and work to build the community and support of students.

Mayor Toms advised that anyone on the City Council may speak individually to a WCCUSD Board member to request reconsideration of its Closed Session item. The request for a future agenda item would be from the entire City Council rather than from individual Council members.

ACTION: Motion by Council member Martinez-Rubin/Mayor Toms through the Mayor to prepare a Letter of Support of Principal Kibby Kleiman, and the Letter of Support would be for the West Contra Costa County Unified School District Board to place an agenda item before the end of the Fiscal Year, so that the West Contra Costa County Unified School District may reconsider the decision to demote Principal Kibby Kleiman.

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

ACTION: Motion by Mayor Toms/Council member Murphy to consider a proclamation for Parkinson's Awareness Month in the month of April.

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

ACTION: Motion by Council member Tave/Mayor Toms to request a presentation from Glydways, regarding its transit technology to be scheduled the same date as the discussion of the Regional Feasibility Study for dynamic personal micro transit systems.

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

Council member Murphy requested a staff update on the Juneteenth and Pride celebrations. Consensus given.

Council member Murphy requested an update and memorandum on legislation allowing the reduction of speed limits by July 1, 2024. Consensus given.

PUBLIC COMMENTS OPENED

Irma Ruport, Pinole, requested an update on the status of the City's grant writer and grant opportunities and agreed an update should be provided on Juneteenth and the Pride celebrations given the success of the 2023 events.

Anthony Vossbrink, Pinole, commented there was a lag on PCTV with City Council meetings broadcast later than when the meeting was taking place, which should be corrected; asked that the telephone number to call into the meeting be announced at the start of each meeting since it had not been posted on PCTV and Zoom in violation of the Brown Act; sought more discussion and public comment about the Fourth of July presentation given past outcry from the public and the breakdown in the budget in 2022, which had been approved by the majority of the City Council at the time although the event went over budget and the public had not been informed. He suggested the City Council stick to the initial \$50,000 budget for the event and do its due diligence being fiscally responsible to the citizens of Pinole. He suggested there were alternatives to the current Fourth of July proposal that could be considered and cost less money.

PUBLIC COMMENTS CLOSED

E. City Manager Report / Department Staff

Interim City Manager/Police Chief Gang reported the Pride and Juneteenth events were in the planning stages with a presentation to be made to the City Council at a later date; the Easter Egg Hunt had been held on March 16, 2024 at Fernandez Park and had been a successful event with an estimated 1,000 participants and numerous activities provided. He thanked the many local organizations for their support of the event along with the support of City staff. He added the City's new Mobile App was up and running and ready to download; the City Manager Recruitment brochure was being completed, a virtual listening session had been held with the recruitment team and an open forum would be held on March 23, 2024 at the Senior Center from 10:00 to 11:30 a.m. In addition, the Community Services Director recruitment was ongoing, 30 applicants applied, ten applicants had been interviewed and he and the Human Resources Director would conduct final interviews on March 21, 2024.

Also, the Pinole Police Department would be hosting a Bike Rodeo for children on April 27, 2024, with the location yet to be determined but expected to be identified at the close of business this week to be posted on social media.

Interim City Manager/Police Chief Gang added that individuals interested in joining the Police Department family as dispatchers could apply for dispatch positions that were coming up due to the pending retirement of some individuals, with more information on the City website and Pinole Police Department Facebook page. Lastly, park rules had been updated on the City website and the public was encouraged to use the City's parks safely and responsibly.

Interim City Manager/Police Chief Gang otherwise commented the upcoming agenda item to establish the new City seal, logo and branding guidelines scope of work had not included any branding for the Police Department at this time. That would be an independent project led by the incoming Police Chief to allow for new leadership, input, buy-in and community engagement.

Interim City Manager/Police Chief Gang also provided an update on Public Works Department operations and maintenance and reported there had been over 315 requests in the past month including service requests for roads, facilities and parks. Potholes (107) had been filled in numerous locations and there had been nine emergency callouts.

F. City Attorney Report

There was no report.

10. PUBLIC HEARINGS: None

11. OLD BUSINESS

**A. Adopt a Resolution to establish the new City seal, logo and branding guidelines.
Action: Adopt Resolution per Staff Recommendation (Fiona Epps)**

Assistant to the Interim City Manager/Police Chief Fiona Epps provided a PowerPoint presentation on the new City seal, logo and branding guidelines which included an overview of four surveys, 436 responses, two pop-up events, methods of outreach used and the analyses of the survey results with Tripepi Smith & Associates.

Kevin Bostwick, Creative Director, Tripepi Smith & Associates, walked through the design concept elements of the proposed City logo which would consist of a blue wave representing water and movement, a blue gradient symbolizing the different elements of water, creek and Bay with the pattern a reference to the basket artistry of the Ohlone people. The basketry theme would be included in a circle symbolizing the community, with the basketry design inspired by the Ohlone, used by many cultures and representing the interconnectedness between generations. The hawk represented vision, recognition of opportunity and stewardship of the land, the oak trees were native to the area produced acorns which was the reason for the City's name, the rolling hills were friendly characteristics of the City of Pinole, San Pablo Bay was visible through the valley and the golden sun represented warmth and friendliness.

The font for the logo would be modern, proud and look to the future, in Indigo Blue which represented stability and serenity. Samples of the evolution of the logo design and the logo as proposed were presented.

Mr. Bostwick clarified the primary colors of the logo and branding guidelines would be indigo blue and green with secondary tertiary colors of blue, yellow, brown and salmon. The branding guidelines would uphold the consistent branding across all Pinole communications to cultivate a communal identity, local pride and foster trust via recognition. The colors had been chosen in hues that worked together to reflect the City's unique character and the typography had identified two font collections that complemented other brand components and had different uses.

Ms. Epps presented examples of the primary and secondary design fonts and examples of various ways the new branding guidelines could be used with photography.

The history of the City seal was also highlighted with inspiration for the new City seal drawn from Pinole's natural beauty, incorporating symbols and feelings shared by the community in the seal and logo surveys, with the use of colors from the branding guidelines and some of the same elements from the City logo design. Border design elements from the 1965 City seal had been incorporated into the final draft of the new City seal.

Versions of the proposed new City seal were displayed and included a hawk flying into Pinole Valley through a portal-like entrance. The symbolism of the elements in the seal design were also highlighted.

City seal examples suggested by the City Seal Ad-Hoc Subcommittee were presented to provide a comparison of the new City seal. The differences between the City seal and logo were also clarified with the City seal the official emblem of a city traditionally used to validate official documents or decrees and the City logo a modern mark that represented an institution's core identity. Visual examples of how the City seal and logo could be used were provided.

Ms. Epps explained that upon City Council approval, staff would develop a process for the transition to the use of the new City seal and logo and branding guidelines, begin rolling out the new branding across both digital assets and physical assets, develop resources to assist City Departments, employees, City Council and others to properly deploy the new branding assets, and if the City Council adopted the new City seal, staff would return to the City Council with an ordinance for Chapter 1.02.010 (City seal) of the Pinole Municipal Code (PMC) that contained an updated image and its description. She also highlighted the fiscal impacts and noted the costs would be covered largely within existing Department budgets.

Staff would prepare estimates for areas of deployment that fell outside of the adopted budgets with larger costs such as City seal replacements inside and on the City Hall and Public Safety Buildings to be considered Capital Improvement Projects (CIP) that would be reviewed with the Fiscal Year (FY) 2024/2025 budget.

Council member Tave thanked everyone involved in the process for the new City seal, logo and branding guidelines, particularly Ms. Epps and the City Seal Ad-Hoc Subcommittee. He asked how the roll-out plan would be implemented.

Ms. Epps stated an implementation plan had not yet been prepared. Staff would have to inventory where the City seal had been used, categorize costs and prioritize which would be done collaboratively with all City Departments.

Council member Martinez-Rubin also thanked everyone involved in the process for the new City seal, logo and branding guidelines.

Council member Murphy too thanked everyone involved in the process. He found the new City seal, logo and branding guidelines to be amazing with the design representing the people of Pinole. He asked what had been the most challenging part of the process. He liked the fact the PowerPoint presentation detailed the history of the City seal and the history of the 1965 City seal and asked how that history would be archived. He also asked whether the City Seal Ad-Hoc Subcommittee would continue its work and also address the transition for the Pinole Police Department.

Ms. Epps stated she would not characterize the process as difficult. The surveys had been well received with a lot of enthusiasm at the pop-up events and while some people did not want to change the City seal and logo, they had been educated on the background for the purpose of the change. She did not find the process to be that challenging, but a lot of work had gone into this effort with many revisions and crafting with love and attention and with the assistance from Tripepi Smith & Associates. As part of the outreach efforts, the City website included the history of the City seal and images that had been taken from records from the City Clerk's Office and included the physical history for the mosaic located in the Public Safety Building that had been donated to the City. It was a piece of art and would require a conversation as to how it could be archived.

In terms of the Police Department, Ms. Epps explained she had not been given authority to address the logo for the Police Department. She added the City Seal Ad-Hoc Subcommittee was a temporary Ad-Hoc Subcommittee that had been created to perform a task. The City Council may decide to establish another Ad-Hoc Subcommittee to address the Police Department logo and the City seal and logo could be adapted as their own, which would be under the purview of the Police Chief.

Mayor Pro Tem Sasai thanked fellow City Seal Ad-Hoc Subcommittee member, Council member Martinez-Rubin, Ms. Epps, Tripepi Smith & Associates and the public for its input during the process. He was pleased with the process and input from the Confederated Nations of Lisjan (Ohlone). He found that the new City seal and logo was not offensive and consisted of a design in which one could be proud.

Mayor Pro Tem Sasai asked if the City Council adopted the resolution, as proposed, whether adoption would occur after approval of the new ordinance or approval of the resolution before the City Council at this time. He asked whether the PMC currently included specific language about the City seal.

Ms. Epps explained that if the proposed City logo was adopted at this time, it could be used immediately but there was a process for implementation, training of staff and discussions about the branding guidelines that would have to occur. In terms of the City seal, it would need to go back to the City Seal Ad-Hoc Subcommittee and public hearings for adoption of the ordinance prior to any official changes.

City Attorney Eric Casher explained that the PMC was very broad and had not addressed the implementation of the new City seal. The intent was to add the new City seal to the PMC. He reported the next meeting of the Municipal Code Update Subcommittee had been scheduled for March 25, 2024, and it could be discussed at that time. It would not take long before an ordinance could be presented to the City Council for the first reading.

Mayor Toms commented she had heard from a number of members of the public who questioned why the City seal and logo was being changed and she asked that the reason for the change be explained for the benefit of the public.

Council member Martinez-Rubin stated the representation of a human on the existing City seal had depicted someone who was Native American and at the time the City seal had been created, the artist believed it was a true depiction of that individual but it did not represent indigenous features and the artwork had misrepresented the human aspect of someone from an indigenous tribe. In an effort to have the City of Pinole reflect core values about stewardship with regard to the land and regardless of one's national or ethnic background, it had been intentionally decided to avoid any human depiction on the City seal and use the space on the City seal to have elements that were symbolic and that had a universal appeal and characteristic of the City of Pinole.

Mayor Toms also thanked the City Seal Ad-Hoc Committee and Ms. Epps for their work on the City seal, logo and branding guidelines. She liked the proposal but commented in terms of implementation that there were many sculptures in the community, the mosaic in the Public Safety Building and other artwork in the community, as examples, and she would like to see how those pieces could be kept as historic artwork, which would be costly items to replace. She wanted to be flexible and take the time to transition some of those costlier items and she looked forward to a budget for replacement of those larger items.

Interim City Manager/Police Chief Gang suggested they could reach out to Tripepi Smith & Associates to see what models were available and what had been successful. He agreed those pieces of artwork would involve a longer transition. He otherwise recognized this project had commenced as a task to be completed by previous leadership but had been transitioned to a passion project by all involved due to Ms. Epps' leadership.

Council member Martinez-Rubin reported the City Seal Ad-Hoc Committee meetings had been fun meetings with trust and collaboration with the members and staff and she thanked everyone involved in that collaboration.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, liked the proposed City seal and found it had been elegantly done. The way the elements worked and had been put together were visible at multiple different size points and had the reference points of the descriptions for all made it better. He too praised Ms. Epps for her creation of the City seal as well done. In terms of the City logo design, he suggested, if possible, the triangles shown in the banner of the logo be incorporated into the "o" of the name Pinole, since at longer distances the smaller sizes and inside of the "o" was not as visible and appeared as a flat "o" and the trees in the "o" may fade out. Also, in some colorations the triangles may not be as detectable in the underlying banner. He described ways in which those changes could be made to the logo design to make it clearer.

Irma Ruport, Pinole, thanked Ms. Epps and the City Seal Ad-Hoc Committee for their hard work. She like the City seal, logo and branding guidelines and suggested when the City seal was changed in the Council Chambers the room itself should be repainted.

Anthony Vossbrink, Pinole, stated he was unable to see the City seal, logo and branding guidelines presentation given there appeared to be technical difficulties with Zoom. He found the final City seal design looked more like a Presidential seal, was too busy on the outer part of the circle and should be cleaned-up and be more calming. As to the use of the hawk in the City seal design, he asked whether the local Audubon Society had been contacted to verify the hawk was really a hawk and whether it should be a Red-Tailed Kite, which was the prominent bird in the Pinole Valley. He suggested possibly the coloration of the hawk should have more of a red tone. He also suggested the Ohlone community should be awarded a trail and monument to recognize the Ohlone community and suggested the trail behind the caretaker's home and dog park on Adobe Road was an appropriate location if cleaned up and memorialized for the Ohlone. He pointed out that many Bay Area communities had honored the Ohlone whereas Pinole had not.

PUBLIC COMMENTS CLOSED

ACTION: Motion by Mayor Pro Tem Sasai/Council member Tave to adopt a resolution to establish a new City seal, logo and branding guidelines.

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

- B.** Consider adoption of amendments to the Procurement Policy. **Action: Discuss and provide direction (Kapil Amin, Lilly Whalen, Markisha Guillory)**

Kapil Amin, Sustainability Fellow, provided a PowerPoint presentation on the City of Pinole Procurement Policy Amendment: Environmentally Preferable Purchasing Policy and Program (E4P), which provided an opportunity for the City to use its purchasing power to support vendors that were environmentally and socially responsible, the staff actions connected with various municipalities and groups that had similar policies, with a policy having been circulated to the Department Heads and Managers for feedback and which had been reviewed by the Municipal Code Update Subcommittee. An overview of the current Procurement Policy and the proposed policy amendments was provided.

The City Council was asked to adopt the amendments to the City's Procurement Policy which would include an enhanced E4P, a section for preference for USA automobiles manufactured under a unionized workforce and language to include the Union Bug on printing where feasible.

Council member Martinez-Rubin thanked staff for the proposed amendments, clarified with Sustainability Fellow Amin the fiscal impacts and the responsible purchasing network support that had been estimated at \$350 to \$3,000 for technical assistance groups to support the City in leading training and creating a specialized purchasing guide to facilitate a robust E4P Program.

There were options to purchase with tracking easy for two of the options such as piggybacking on a contract or online sales where records could be pulled pursuant to SB 1383, although credit card decentralized purchasing was difficult to track and most municipalities had been faced with that challenge and had to rely on self-reporting and good faith efforts of staff.

Council member Martinez-Rubin asked of the expectation of having this program absorbed by existing staff, and Sustainability Fellow Amin explained that staff responsibilities had been assigned. Department Heads were responsible for training staff and reporting on non-compliance.

Council member Murphy thanked staff for putting together a complex procurement ask. He asked for clarification of the staff recommendation and whether it included the personalized support.

Sustainability Fellow Amin clarified the staff recommendation to adopt the amendments to the City's Procurement Policy would include an enhanced E4P, a section for preference for USA automobiles manufactured under a unionized workforce and language to include the Union Bug on printing where feasible. He would have to determine what the tier costs would include, which would have to be brought back to the City Council.

Council member Murphy asked how the City would continue the relationships with the other organizations that had informed the E4P once the City's Procurement Policy had been updated.

Sustainability Fellow Amin explained if the City of Pinole were to partner with the Contra Costa Green Business Program, as an example, they had more specialized outreach to the City to help certify green businesses that would support the program. Empower Procurement (Prospect Silicon Valley) offered low-cost technical assistance for building decarbonization and fleet transition.

Council member Murphy asked how the Procurement Policy amendments would help the City obtain more federal and state funding opportunities, and Sustainability Fellow Amin stated that CivicWell, as an example, provided some funding resources and some jurisdictions had been rewarded for those policies.

Public Works Director Sanjay Mishra reported that staff had been working with CalRecycle, which provided grants to various cities and as part of compliance with SB 1383, the City tracked and reported its purchases to CalRecycle each year. E4P would actually help the City to obtain grant consideration.

Community Development Director Lilly Whalen added that if the City Council approved \$3,000 for technical assistance, that would give direction to staff. She was uncertain where the funds would come from at this time.

Sustainability Fellow Amin further clarified the technical assistance range of costs from \$350 to \$3,000, and commented that \$350 may involve a purchasing guide or spec sheets staff may review and use as a guide, and then when moving up in tiers it would involve hands-on involvement in the entire program. The \$3,000 cost was a one-time fee.

Mayor Toms asked how staff would provide an annual report on the status of E4P and whether it would be similar to status reports on the Climate Action and Adaptation Plan (CAAP).

Sustainability Fellow Amin suggested setting a target goal and then report how far along they were in reaching that goal for the year for the category of purchase, and then track after that.

Community Development Director Whalen advised that E4P would be included in the CAAP, which she expected would be released to the public soon and tracking measures could be discussed with the CAAP Consultant.

PUBLIC COMMENT OPENED

Irma Ruport, Pinole, suggested E4P was a great idea but it would cost the City more, and the City should apply for all grant opportunities and be proactive. She recognized there would be more staff responsibilities required pursuant to the fiscal impacts and emphasized the importance of tracking staff's time. She also found much of the information on related legislation was difficult to read given the technical compliance and procedures. She referenced Page 55 of Appendix A to the March 19, 2024 staff report and the costs shown for Public Works, and noted in the past week a former City Manager of another municipality had used a City authorized credit card in excess of \$300,000, and she wanted to see more information in the appendix with a second approval authority listed to ensure that accountability was included.

Rafael Menis, Pinole, referenced Page 218 of 497 of the agenda packet under the title City of Pinole Procurement Policy, as shown on Page 1 of the policy and the reference to when the policy was revised, which should show the date when accepted by the City Council. The same statement had been shown on Page 258 of 497 of the agenda packet, which should also be similarly revised. He also noticed that the preference for USA automobiles had highlighted a selection from a list from the United Auto Workers (UAW). He asked that there be a sub-prioritization within that list for electric vehicles and language in the preference under the manufacturer under a unionized workforce for electric vehicles that would also fit in that subcategory.

PUBLIC COMMENTS CLOSED

Mayor Toms reported the Municipal Code Update Subcommittee had discussed a preference for electric vehicles as well as American made, with the understanding that some electric vehicles were not UAW made and it would be highlighted when an approval comes to the Council whether it fit or deviated from the policy. Also, the page numbers and date of approval of the policy would be added to the document once the Procurement Policy had officially been approved.

City Attorney Casher added for every staff report where there would be a vehicle purchase, there would be a reference to the Procurement Policy and note the preference requirement.

ACTION: Motion by Council members Murphy/Tave to adopt the amendments to the City's Procurement Policy and direct staff to enter into a membership agreement with the responsible purchase network at \$3,000.

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

ACTION: Motion by Council member Tave/Mayor Toms to Extend the City Council meeting to 11:20 p.m.

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

12. NEW BUSINESS

A. Fiscal Year (FY) 2022/23 Annual Comprehensive Financial Report. Action: Receive Report (Markisha Guillory)

Finance Director Markisha Guillory presented the staff report dated March 19, 2024, and introduced Mark Hu, Auditor/Manager The Pun Group.

Mark Hu, Auditor/Manager The Pun Group, provided a PowerPoint presentation on the Fiscal Year (FY) 2022/23 Annual Comprehensive Financial Report (CAFR) which included an overview of the required communications, audit responsibilities, overview of financial statements, financial indicators and key pension, Other Post-Employment Benefits (OPEB) information and audit results.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, stated he had sent many of his questions to the Finance Director directly. He highlighted Page 338 of 497 of the agenda packet and the information shown under the Statement of Cash Flows, Proprietary Funds for the Year Ended June 30, 2023, and the figures shown under Reconciliation of Operating Income to Net Cash Provided by Operating Activities, Changes in operating assets and liabilities, and deferred outflows and inflows of resources: due from other governments, and asked whether the City of Pinole had to pay the City of Hercules money in the past year for increased outflows or whether there had there been an error in payment amounts. To Page 366 of 497 of the agenda packet and the information contained in the subparagraph for Bridge Housing, he highlighted the potential for Bridge Housing to have a note unpaid forgiven if it maintained affordable housing for the project for an additional nineteen years and asked whether Bridge Housing had exercised that potential.

Mr. Menis went on to comment there were many items in the reports that had shown percentages for negative values decreasing the amount improving as a negative percentage and he asked whether that was the case. For Page 451 of 497 of the agenda packet, City of Pinole, Changes in Fund Balances Governmental Funds, Last Ten Fiscal Years, for 2016 the total expenditures had information missing which changed the calculations and should be corrected. Page 455 of 497 of the agenda packets, City of Pinole, Property Tax Rates, Direct and Overlapping Governments, Per \$100 of Assessed Value, Last Ten Fiscal Years, for all entities other than the countywide levy the rates were variable and he asked why that was the case. He otherwise looked forward to having a response from the Finance Director from his previously submitted comments.

Finance Director Guillory asked that she be allowed to add the comments to the list of comments Mr. Menis had previously submitted to allow her to properly provide responses.

PUBLIC COMMENTS CLOSED

ACTION: Motion by Council members Murphy/Martinez-Rubin to accept the Annual Comprehensive Financial Report for the Fiscal Year ended June 30, 2023.

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.

Jason Minton, Pinole, referenced the WCCUSD Board action to demote Principal Kibby Kleiman. He had spoken to the WCCUSD Board President about the situation and another parent who offered recommendations to continue to push the matter forward with a suggestion to contact the WCCUSD Board to place an item on a future agenda. He suggested this was not a Human Resources issue but punishment for whatever had been done, which had been transferred to the community and students of Pinole Valley High School. While he had asked that the matter be agendized by the WCCUSD Board, he had been informed it would be a Closed Session item since it was a Human Resources issue. Not knowledgeable about governments, he asked how he should approach the WCCUSD Board and he provided his contact information on his speaker card. He welcomed assistance on an approach that meant something and he sought a path forward to retain Principal Kleiman.

Anthony Vossbrink, Pinole, asked whether the City of Pinole had a safety strategy or retail crime reduction program to address health and safety welfare for citizens as it related to the Fitzgerald Drive Corridor given the history of retail theft. He asked the City Council and the Interim City Manager/Police Chief to address the retail crime in the City. He also asked the status of inoperable street lights up and down Pinole Valley Road, Caltrans signage over the I-80 overpass which had been inoperable and asked that the City address the situation on Shea Drive and Granada Court where telephone poles blocked the sidewalk, had been duct-taped together and was an Americans with Disabilities Act (ADA) issue. All of these issues had previously been reported to the City Council, Traffic and Pedestrian Safety Committee (TAPS) and different staff members, with no resolution.

- 14. ADJOURNMENT** to the Finance Subcommittee meeting of March 27, 2024, in Remembrance of Amber Swartz.

At 11:20 p.m., Mayor Toms adjourned the meeting to the Finance Subcommittee Meeting of March 27, 2024, in Remembrance of Amber Swartz.

Submitted by:

Heather Bell, CMC
City Clerk

Approved by City Council:



City of Pinole, CA

9B WARRANT LISTING

By Vendor Name

Payment Dates 3/16/2024 - 3/29/2024

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: 4LE00 - 4LEAF, INC.					
J0605-23I	104402	03/22/2024	212-462-42101	PLAN REVIEW DECEMBER 2023	609.78
J1909-04C	104402	03/22/2024	212-462-42101	PERMIT TECHNICIAN OCTOBER 1-31, 2023	720.00
Vendor 4LE00 - 4LEAF, INC. Total:					1,329.78
Vendor: PRO18 - ADT COMMERCIAL					
154060596	104403	03/22/2024	100-343-42108	ALARM SYSTEM AT CH	2,892.89
154060799	104403	03/22/2024	100-343-42108	ALARM SYSTEM AT CH	4,505.97
154075483	104403	03/22/2024	100-343-42108	ALARM MONITORING SERVICES CH 022924-052824	255.00
154130374	104458	03/29/2024	209-552-42108	MONTHLY ADT SERVICE PSC	152.00
MARCH 2024	104403	03/22/2024	209-553-42108	2454 SIMAS MONITORING SERVICES 3/24 - 4/23	101.59
Vendor PRO18 - ADT COMMERCIAL Total:					7,907.45
Vendor: ALH01 - ALHAMBRA & SIERRA SPRINGS					
5025519 030624	104404	03/22/2024	500-641-42201	WATER FOR WPCP	181.87
5025531 030624	104404	03/22/2024	100-343-44306	WATER FOR CORP YARD	102.94
Vendor ALH01 - ALHAMBRA & SIERRA SPRINGS Total:					284.81
Vendor: ARA01 - ARAMARK UNIFORM SERVICES					
939388000-02292024	104459	03/29/2024	209-552-43804	LAUNDRY SERVICES WPCP AND PSC	176.96
939388000-02292024	104459	03/29/2024	209-552-43804	LAUNDRY SERVICES WPCP AND PSC	176.96
939388000-02292024	104459	03/29/2024	209-552-43804	LAUNDRY SERVICES WPCP AND PSC	176.08
939388000-02292024	104459	03/29/2024	209-552-43804	LAUNDRY SERVICES WPCP AND PSC	216.57
939388000-02292024	104459	03/29/2024	209-552-43804	LAUNDRY SERVICES WPCP AND PSC	196.06
939388000-02292024	104459	03/29/2024	500-641-44410	LAUNDRY SERVICES WPCP AND PSC	465.70
939388000-02292024	104459	03/29/2024	500-641-44410	LAUNDRY SERVICES WPCP AND PSC	465.70
939388000-02292024	104459	03/29/2024	500-641-44410	LAUNDRY SERVICES WPCP AND PSC	467.32
939388000-02292024	104459	03/29/2024	500-641-44410	LAUNDRY SERVICES WPCP AND PSC	467.32
939388000-02292024	104459	03/29/2024	500-641-44410	LAUNDRY SERVICES WPCP AND PSC	469.82
Vendor ARA01 - ARAMARK UNIFORM SERVICES Total:					3,278.49
Vendor: ATT01 - AT&T					
000021382271	104405	03/22/2024	525-118-43101	MIS PHONE BILL	911.98
000021384140	104405	03/22/2024	525-118-43101	PW PHONE	921.43
000021384141	104405	03/22/2024	525-118-43101	ADMINISTRATION PHONE	5,829.62
000021384142	104405	03/22/2024	525-118-43101	RECREATION DPT. PHONE	982.96
000021384143	104405	03/22/2024	525-118-43101	CDD PHONE	185.64
000021384145	104405	03/22/2024	525-118-43101	EOC PHONE	223.92
Vendor ATT01 - AT&T Total:					9,055.55
Vendor: DUG01 - BARRY DUGGAN					
03112024	104406	03/22/2024	100-221-42302	MEALS AND MILEAGE FOR INTERNAL AFFAIRS INVEST.	164.02
03112024	104406	03/22/2024	100-221-42303	MEALS AND MILEAGE FOR INTERNAL AFFAIRS INVEST.	54.00
Vendor DUG01 - BARRY DUGGAN Total:					218.02

WARRANT LISTING

Payment Dates: 3/16/2024 - 3/29/2024

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: BAR40 - BARRY EVANS STUDIO					
9906	104460	03/29/2024	100-110-42514	24X30 CUSTOM FRAME	603.63
Vendor BAR40 - BARRY EVANS STUDIO Total:					603.63
Vendor: BIR05 - BIRITE FOODSERVICE DISTRIBUTORS					
6720537	104407	03/22/2024	209-552-43804	FOOD PROGRAM PSC	1,420.87
6720538	104407	03/22/2024	209-552-43811	JANITORIAL SUPPLIES PSC	44.37
6725912	104461	03/29/2024	209-552-43804	FOOD PROGRAM PSC	1,166.18
Vendor BIR05 - BIRITE FOODSERVICE DISTRIBUTORS Total:					2,631.42
Vendor: 2814 - CAMERON SASAI					
03252024	104462	03/29/2024	100-110-42302	TRAVEL / MEAL REIMBURSEMENT FOR CALL CITIES POLICY	22.61
03252024	104462	03/29/2024	100-110-42303	TRAVEL / MEAL REIMBURSEMENT FOR CALL CITIES POLICY	127.96
Vendor 2814 - CAMERON SASAI Total:					150.57
Vendor: CCP03 - CCP INDUSTRIES					
IN03503248	104408	03/22/2024	100-343-44410	DEWALT PERFORMANCE GLOVES EAR MUFF	575.51
IN03503486	104408	03/22/2024	100-343-44410	NITRILE GLOVES	364.59
IN03505027	104408	03/22/2024	100-343-44410	GOLIATH SAFETY GLASSES	65.89
IN03507386	104463	03/29/2024	100-343-44410	HEAVY DUTY SKIN CLEANSER	118.13
Vendor CCP03 - CCP INDUSTRIES Total:					1,124.12
Vendor: 2060 - CENTRAL CONCRETE SUPPLY CO., INC.					
2403-039815	104464	03/29/2024	100-345-44306	BROWN MINI BARK	46.10
Vendor 2060 - CENTRAL CONCRETE SUPPLY CO., INC. Total:					46.10
Vendor: 1635 - CHECKERS GROUP INC					
15,863	104409	03/22/2024	100-222-42514	TOWING SPA AND OAK RIDGE	295.00
Vendor 1635 - CHECKERS GROUP INC Total:					295.00
Vendor: CIT08 - CITY MECHANICAL, INC					
100883	104465	03/29/2024	100-231-42108	HVAC FIRE STATION 74	732.50
102148	104465	03/29/2024	100-343-42108	POST OFFICE	810.00
Vendor CIT08 - CITY MECHANICAL, INC Total:					1,542.50
Vendor: 1240 - CITY OF EL CERRITO					
02082024	104410	03/22/2024	100-110-42301	MAYOR'S CONFERENCE DINNER 02012024	70.00
Vendor 1240 - CITY OF EL CERRITO Total:					70.00
Vendor: 2242 - COLE PRO MEDIA, LLC					
4025	104411	03/22/2024	225-221-42514	TRANSPARENCY ENGAGEMENT MARCH 2024	2,000.00
Vendor 2242 - COLE PRO MEDIA, LLC Total:					2,000.00
Vendor: COM20 - COMCAST					
0419492-03022024	104412	03/22/2024	525-118-43101	SWIM CENTER INTERNET	160.18
Vendor COM20 - COMCAST Total:					160.18
Vendor: COM23 - COMMUNICATION SERVICE CO.					
4181785	104466	03/29/2024	209-554-42108	ASSIST WITH ELEVATOR INSPECTION PYC	525.00
Vendor COM23 - COMMUNICATION SERVICE CO. Total:					525.00
Vendor: CON93 - CONCORD UNIFORMS LLC					
20951	104413	03/22/2024	100-222-44410	WMNS LS TROPICAL FRENCH BLUE REG PANTS	76.77
20973	104413	03/22/2024	100-222-44410	WOMENS PDU CARGO PANTS	102.01
Vendor CON93 - CONCORD UNIFORMS LLC Total:					178.78
Vendor: CONA7 - CONTRA COSTA FAMILY JUSTICE ALLIANCE					
2023WC-08	104414	03/22/2024	100-222-42101	POLICE CHIEFS ASSOCIATION CONTRIBUTION 1/23-12/23	487.84
Vendor CONA7 - CONTRA COSTA FAMILY JUSTICE ALLIANCE Total:					487.84

WARRANT LISTING

Payment Dates: 3/16/2024 - 3/29/2024

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: COR12 - CORELOGIC SOLUTIONS LLC					
82203146	104415	03/22/2024	525-118-42510	REALQUEST CITYWIDE	716.41
Vendor COR12 - CORELOGIC SOLUTIONS LLC Total:					716.41
Vendor: 1445 - CORTEZ TIRES AND AUTO REPAIR					
23350	104416	03/22/2024	100-221-42107	REPLACED BALD TIRES PD	609.23
23481	104416	03/22/2024	100-221-42107	CATLYTIC CONVERTER, GASKET, OIL CHANGE	1,918.92
23496	104416	03/22/2024	100-221-42107	TIRE PACKAGE	1,174.56
23497	104416	03/22/2024	100-221-42107	OIL CHANGE AND BRAKES	499.45
Vendor 1445 - CORTEZ TIRES AND AUTO REPAIR Total:					4,202.16
Vendor: CRI06 - CRITICAL REACH					
3444	104417	03/22/2024	100-222-42101	2024 APBNET ANNUAL SUPPORT FEE	445.00
Vendor CRI06 - CRITICAL REACH Total:					445.00
Vendor: 2381 - DAVID HANHAM					
INV0009706	104467	03/29/2024	212-461-42302	REIMBURSEMENT FOR TRAINING- CDD	614.06
Vendor 2381 - DAVID HANHAM Total:					614.06
Vendor: 1443 - DIESEL DIRECT WEST, INC.					
85716032	104418	03/22/2024	100-10601	GASOLINE UNL CY	2,450.66
Vendor 1443 - DIESEL DIRECT WEST, INC. Total:					2,450.66
Vendor: EBM01 - EBMUD					
466641-02292024	104419	03/22/2024	100-343-43102	880 San Pablo Ave--Irrigation Use Only	199.08
539199-03062024	104419	03/22/2024	500-642-43102	05005 HYDRAND PERMIT- CONSTRUCTION	1,076.16
Vendor EBM01 - EBMUD Total:					1,275.24
Vendor: 2768 - EDWARD WARREN					
03252024	104468	03/29/2024	100-221-42302	MILEAGE AND RV PARKING FOR POLICE ACADEMY	549.88
Vendor 2768 - EDWARD WARREN Total:					549.88
Vendor: 1574 - ERA- ENVIRONMENTAL RESOURCES ASSOCIATES					
068462	104469	03/29/2024	500-641-44305	LAB SUPPLIES WPCP	1,855.89
Vendor 1574 - ERA- ENVIRONMENTAL RESOURCES ASSOCIATES Total:					1,855.89
Vendor: FOR02 - FORENSIC SERVICES DIVISION					
PINPD-2401-SUPP	104420	03/22/2024	100-222-42101	BLOOD WITHDRAWAL SERVICES JANUARY 2024	239.40
Vendor FOR02 - FORENSIC SERVICES DIVISION Total:					239.40
Vendor: GAT07 - GATEWAY PINOLE VISTA, LLC					
APRIL 2024	104470	03/29/2024	201-343-42513	BASE RENT RETAIL APRIL 2024	100.00
MARCH 2024	104470	03/29/2024	201-343-42513	BASE RENT RETAIL MARCH 2024	100.00
Vendor GAT07 - GATEWAY PINOLE VISTA, LLC Total:					200.00
Vendor: GRA03 - GRAINGER					
9044529452	104421	03/22/2024	500-641-44306	FIBERGLASS LAB SUPPLIES WPCP	336.17
Vendor GRA03 - GRAINGER Total:					336.17
Vendor: 2243 - HAMILTON CASTER & MFG. CO.					
640083-CACIPIO10	104471	03/29/2024	207-344-42107	ERGO GLIDE XT	804.80
Vendor 2243 - HAMILTON CASTER & MFG. CO. Total:					804.80
Vendor: HAS01 - HASA, INC.					
946519	104422	03/22/2024	500-641-44303	LIQUICHLOR BULK WPCP	14,600.67
Vendor HAS01 - HASA, INC. Total:					14,600.67
Vendor: 1161 - HINDERLITER, DE LLAMAS & ASSOCIATES					
SIN036328	104423	03/22/2024	100-115-42101	AUDIT SERVICES JAN - MARCH 2024	1,563.37

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SIN036551	104423	03/22/2024	105-115-42101	AUDIT SERVICES Q3/2023 AREA 60140	76.70
SIN036567	104423	03/22/2024	106-115-42101	AUDIT SERVICES Q3/2023 AREA CODE 60384	376.70
Vendor 1161 - HINDERLITER, DE LLAMAS & ASSOCIATES Total:					2,016.77
Vendor: JWE01 - J. W. ENTERPRISES - NORTH					
256849	104424	03/22/2024	100-551-42511	PORTABLE TOILET RENTAL	144.77
Vendor JWE01 - J. W. ENTERPRISES - NORTH Total:					144.77
Vendor: COR15 - JACQUELINE L CORL-SEIDEL					
FEBRUARY 2024	104472	03/29/2024	209-552-43802	BALANCE FLOOR YOGA PSC	394.45
Vendor COR15 - JACQUELINE L CORL-SEIDEL Total:					394.45
Vendor: 1611 - JANICE M. BYER					
FEBRUARY 2024	104425	03/22/2024	209-552-43802	INSTRUCTOR CLASSES FEBRUARY 2024	765.00
Vendor 1611 - JANICE M. BYER Total:					765.00
Vendor: 2364 - JEFFREY TEEL					
03112024	104426	03/22/2024	100-221-42302	MILEAGE AND MEALS REIMBURSEMENT PD	91.12
03112024	104426	03/22/2024	100-221-42303	MILEAGE AND MEALS REIMBURSEMENT PD	70.00
Vendor 2364 - JEFFREY TEEL Total:					161.12
Vendor: 2812 - JESSICA BETH EVANS					
002	104427	03/22/2024	100-221-42304	WOMEN'S LAW ENFORCEMENT SELF DEFENSE	1,949.09
Vendor 2812 - JESSICA BETH EVANS Total:					1,949.09
Vendor: KEL09 - KELLER CANYON LANDFILL					
4212-000032949	104473	03/29/2024	500-641-44302	SLUDGE REMOVAL WPCP	5,502.29
Vendor KEL09 - KELLER CANYON LANDFILL Total:					5,502.29
Vendor: 1424 - KRISTINA SANTOYO					
03082024	104428	03/22/2024	209-552-42302	MILEAGE AND MEALS REIMBURSEMENT	35.04
03082024	104428	03/22/2024	209-552-42303	MILEAGE AND MEALS REIMBURSEMENT	206.00
Vendor 1424 - KRISTINA SANTOYO Total:					241.04
Vendor: KUB00 - KUBWATER RESOURCES, INC.					
12336	104429	03/22/2024	500-641-44303	POLYMER BLENDS WPCP	19,176.24
Vendor KUB00 - KUBWATER RESOURCES, INC. Total:					19,176.24
Vendor: CUR03 - LN CURTIS & SONS					
INV800023	104430	03/22/2024	100-221-44410	ARMOR SIZING	1,411.10
Vendor CUR03 - LN CURTIS & SONS Total:					1,411.10
Vendor: 1152 - MARIA PICAZO					
03122024	104431	03/22/2024	209-551-42302	MILEAGE AND MEALS REIMBURSEMENT	1,097.37
03122024	104431	03/22/2024	209-551-42303	MILEAGE AND MEALS REIMBURSEMENT	240.00
Vendor 1152 - MARIA PICAZO Total:					1,337.37
Vendor: 1057 - MAUREEN TOMS					
03202024	104474	03/29/2024	100-110-42302	MILEAGE, HOTEL MEALL FOR CAL CITITES POLICY COMMIT	1,343.83
03202024	104474	03/29/2024	100-110-42303	MILEAGE, HOTEL MEALL FOR CAL CITITES POLICY COMMIT	27.31
Vendor 1057 - MAUREEN TOMS Total:					1,371.14
Vendor: 2430 - MB CONTRACT FURNITURE, INC.					
CPIN36084	104432	03/22/2024	212-462-47103	2 STAGE ADJ BASE DESK	1,062.49
Vendor 2430 - MB CONTRACT FURNITURE, INC. Total:					1,062.49
Vendor: MCM05 - MCMASTER-CARR SUPPLY CO.					
23117712	104475	03/29/2024	500-641-44306	SUPPLIES FOR REPAIRS WPCP	899.26

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23681756	104475	03/29/2024	500-641-44306	SUPPLIES FOR REAPIRS WPCP	608.92
Vendor MCM05 - MCMASTER-CARR SUPPLY CO. Total:					1,508.18
Vendor: 1311 - M-GROUP					
2004359	104433	03/22/2024	212-461-42101	ON CALL PLANNING SERVICES FEBRUARY 2024	20,212.50
Vendor 1311 - M-GROUP Total:					20,212.50
Vendor: 1139 - MICHAEL BAKER INTERNATIONAL, INC.					
1204585	104434	03/22/2024	212-462-42101	PROFESSIONAL SERVICES JANUARY 28, 2024	1,885.82
1205921	104434	03/22/2024	212-461-42101	PROFESSIONAL SERVICES 07/23-01/28/2024	5,437.00
Vendor 1139 - MICHAEL BAKER INTERNATIONAL, INC. Total:					7,322.82
Vendor: 2466 - MUNICIPAL RESOURCE GROUP, LLC.					
240295	104476	03/29/2024	100-111-42101	PINOLE GOVERNANCE HANDBOOK PROFESSIONAL SERV	450.00
Vendor 2466 - MUNICIPAL RESOURCE GROUP, LLC. Total:					450.00
Vendor: MYE01 - MYERS STEVENS & TOOHEY CO					
1416417	104477	03/29/2024	100-221-41008	POLICE LTD	594.00
1416417	104477	03/29/2024	100-223-41008	POLICE LTD	287.70
1416417	104477	03/29/2024	105-221-41008	POLICE LTD	59.40
Vendor MYE01 - MYERS STEVENS & TOOHEY CO Total:					941.10
Vendor: OLI01 - OLIVERS TOWING INC					
24-19977	104435	03/22/2024	100-221-42107	TOWED CAR BACK TO PD	197.58
Vendor OLI01 - OLIVERS TOWING INC Total:					197.58
Vendor: OTI01 - OTIS ELEVATOR COMPANY					
100401499790	104478	03/29/2024	209-554-42108	MAITENANCE SERVICE APRIL 2024 PYC	190.51
100401500322	104436	03/22/2024	100-343-42108	ELEVATOR MAINTENANCE CH APRIL 2024	129.22
100401500355	104478	03/29/2024	100-222-42108	MAINTENANCE SERVICE FOR APRIL 2024 SAFETY BLDG.	128.96
Vendor OTI01 - OTIS ELEVATOR COMPANY Total:					448.69
Vendor: 2730 - P.F. PETTIBONE & CO					
185612	104437	03/22/2024	100-112-42101	MINUTE BOOK COVERS	580.30
185612	104437	03/22/2024	100-112-42101	MINUTE BOOK COVERS	990.00
185612	104437	03/22/2024	100-112-42101	MINUTE BOOK COVERS	1,944.00
Vendor 2730 - P.F. PETTIBONE & CO Total:					3,514.30
Vendor: CBA00 - PACIFIC CREDIT SERVICES					
862800000131	104438	03/22/2024	100-000-31510	COLLECTION FEES	36.25
Vendor CBA00 - PACIFIC CREDIT SERVICES Total:					36.25
Vendor: 2629 - PAIGE ARNONE, LLC.					
INV_0097	104439	03/22/2024	100-221-42304	FIRSTGEVITY VIRTUAL YOGA/WEELLNESS PROGRAM	4,995.00
Vendor 2629 - PAIGE ARNONE, LLC. Total:					4,995.00
Vendor: LON02 - PATRICIA LONG					
FEBRUARY 2024	104440	03/22/2024	209-552-43802	CWLD FEBRUARY 2024	168.00
Vendor LON02 - PATRICIA LONG Total:					168.00
Vendor: PGE01 - PG&E					
0498-03122024	104479	03/29/2024	100-231-43103	3790 PINOLE VALLEY RD FIRESTATION	1,037.47
0883-03132024	104479	03/29/2024	100-222-43103	800 TENNENT AVE PUBLI C SAFETY FACILITY	3,577.52
0883-03132024	104479	03/29/2024	100-223-43103	800 TENNENT AVÉ PUBLI C SAFETY FACILITY	715.50
0883-03132024	104479	03/29/2024	100-231-43103	800 TENNENT AVE PUBLI C SAFETY FACILITY	2,862.01

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1156-03132024	104479	03/29/2024	209-554-43103	635 TENNENT AVE YOUTH CTR/CATV	40.24
1156-03132024	104479	03/29/2024	505-119-43103	635 TENNENT AVE YOUTH CTR/CATV	60.35
1462-03132024	104479	03/29/2024	209-552-43103	2500 CHARLES ST SENIOR CENTER	716.93
1801-03102024	104441	03/22/2024	209-553-43103	2454 SIMAS AVE REC CTR & POOL	317.44
3029-03132024	104479	03/29/2024	100-345-43103	1270 ADOBE RD @ OUTSIDE BATHROOMS	135.72
3834-03072024	104441	03/22/2024	100-231-43103	3790 PINOLE VALLEY RD FIRESTATION	521.65
4157-03122024	104479	03/29/2024	100-222-43103	809 CITY HALL	17.52
5137-03152024	104479	03/29/2024	209-557-43103	2450 SIMAS AVE SWIM CTR	97.33
6043-03122024	104479	03/29/2024	100-231-43103	3790 PINOLE VALLEY RD	27.96
7186-03132024	104479	03/29/2024	209-558-43103	601 TENNENT AVE PUBLIC MEETING HALL	139.39
8517-03122024	104479	03/29/2024	500-642-43103	FRT OF 3490 SAVAGE AVE PUMP FOR SEWER	9.93
8716-03132024	104479	03/29/2024	500-641-43103	SEWAGE PLNT-FT OF TENNENT	8,556.89
9900-03142024	104479	03/29/2024	200-342-43103	2303 GRANADA CT TRAFFIC CONTROL SERVICE	182.88
Vendor PGE01 - PG&E Total:					19,016.73
Vendor: R&S01 - R & S ERECTION OF RICHMOND, INC.					
2253913	104480	03/29/2024	100-231-42108	REPAIRS TO ROLL UP DOOR AT STATION 74	634.40
Vendor R&S01 - R & S ERECTION OF RICHMOND, INC. Total:					634.40
Vendor: 2685 - RJM DESIGN GROUP, INC.					
36322	104481	03/29/2024	106-345-47203	PINOLE PARK MASTER PLAN	3,972.51
Vendor 2685 - RJM DESIGN GROUP, INC. Total:					3,972.51
Vendor: 1714 - SHERRI D. LEWIS					
CC012PINOLE-FY2023/24	104442	03/22/2024	100-112-42101	PREPARE MINUTES FOR CC MTG. 02062024	750.00
CC013PINOLE-FY2023/24	104442	03/22/2024	100-112-42101	PREPARE MINUTES CC MTG 02202024	750.00
Vendor 1714 - SHERRI D. LEWIS Total:					1,500.00
Vendor: 2632 - SHIPLEY POOL SERVICE					
967236056	104443	03/22/2024	209-557-42108	POOL SERVICE MARCH 2024	3,316.66
Vendor 2632 - SHIPLEY POOL SERVICE Total:					3,316.66
Vendor: 2688 - SHUMS CODA ASSOCIATES, INC.					
9423	104444	03/22/2024	212-462-42101	EXPEDITED PLAN CHECKING BP24-0006	2,343.28
Vendor 2688 - SHUMS CODA ASSOCIATES, INC. Total:					2,343.28
Vendor: 2260 - SKL SOLUTIONS, INC.					
240081	104445	03/22/2024	500-642-42101	TO 1: Regulatory, Program Development, Support Svc	4,590.00
240082	104445	03/22/2024	500-642-42101	Staff Augmentation for On-Call Consulting Services	7,965.00
Vendor 2260 - SKL SOLUTIONS, INC. Total:					12,555.00
Vendor: STA42 - STAPLES BUSINESS CREDIT					
FEBRUARY 2024	104446	03/22/2024	100-111-42201	CITYWIDE OFFICE SUPPLIES	-29.36
FEBRUARY 2024	104446	03/22/2024	100-111-42201	CITYWIDE OFFICE SUPPLIES	1,015.96
FEBRUARY 2024	104446	03/22/2024	100-111-42201	CITYWIDE OFFICE SUPPLIES	363.59
FEBRUARY 2024	104446	03/22/2024	100-111-42201	CITYWIDE OFFICE SUPPLIES	171.79
FEBRUARY 2024	104446	03/22/2024	100-111-42201	CITYWIDE OFFICE SUPPLIES	124.12
FEBRUARY 2024	104446	03/22/2024	100-111-42201	CITYWIDE OFFICE SUPPLIES	111.31
FEBRUARY 2024	104446	03/22/2024	100-111-42201	CITYWIDE OFFICE SUPPLIES	72.40
FEBRUARY 2024	104446	03/22/2024	100-111-42201	CITYWIDE OFFICE SUPPLIES	52.64
FEBRUARY 2024	104446	03/22/2024	100-111-42201	CITYWIDE OFFICE SUPPLIES	60.56
FEBRUARY 2024	104446	03/22/2024	100-111-42201	CITYWIDE OFFICE SUPPLIES	-20.56

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FEBRUARY 2024	104446	03/22/2024	100-111-42201	CITYWIDE OFFICE SUPPLIES	34.88
FEBRUARY 2024	104446	03/22/2024	100-111-42201	CITYWIDE OFFICE SUPPLIES	31.07
FEBRUARY 2024	104446	03/22/2024	100-111-42201	CITYWIDE OFFICE SUPPLIES	29.36
FEBRUARY 2024	104446	03/22/2024	100-112-42201	CITYWIDE OFFICE SUPPLIES	35.76
FEBRUARY 2024	104446	03/22/2024	100-112-42201	CITYWIDE OFFICE SUPPLIES	-20.35
FEBRUARY 2024	104446	03/22/2024	100-112-42201	CITYWIDE OFFICE SUPPLIES	108.27
FEBRUARY 2024	104446	03/22/2024	100-112-42201	CITYWIDE OFFICE SUPPLIES	20.35
FEBRUARY 2024	104446	03/22/2024	100-112-42201	CITYWIDE OFFICE SUPPLIES	125.07
FEBRUARY 2024	104446	03/22/2024	100-115-47107	CITYWIDE OFFICE SUPPLIES	486.62
FEBRUARY 2024	104446	03/22/2024	100-222-42201	CITYWIDE OFFICE SUPPLIES	25.98
FEBRUARY 2024	104446	03/22/2024	100-222-42514	CITYWIDE OFFICE SUPPLIES	70.82
FEBRUARY 2024	104446	03/22/2024	100-222-47107	CITYWIDE OFFICE SUPPLIES	1,454.92
FEBRUARY 2024	104446	03/22/2024	100-341-42201	CITYWIDE OFFICE SUPPLIES	-54.80
FEBRUARY 2024	104446	03/22/2024	100-341-42201	CITYWIDE OFFICE SUPPLIES	-21.14
FEBRUARY 2024	104446	03/22/2024	100-465-42201	CITYWIDE OFFICE SUPPLIES	-54.79
FEBRUARY 2024	104446	03/22/2024	100-465-42201	CITYWIDE OFFICE SUPPLIES	-21.14
FEBRUARY 2024	104446	03/22/2024	212-462-42201	CITYWIDE OFFICE SUPPLIES	-54.78
FEBRUARY 2024	104446	03/22/2024	212-462-42201	CITYWIDE OFFICE SUPPLIES	-54.78
FEBRUARY 2024	104446	03/22/2024	212-462-42201	CITYWIDE OFFICE SUPPLIES	-21.14
FEBRUARY 2024	104446	03/22/2024	212-462-42201	CITYWIDE OFFICE SUPPLIES	-21.14
Vendor STA42 - STAPLES BUSINESS CREDIT Total:					4,021.49
Vendor: 1246 - STARCHASE, LLC					
20133360	104447	03/22/2024	100-221-42106	GPS LIVE TRACKING PROJECTILES MAPPING AND DATA	13,500.00
Vendor 1246 - STARCHASE, LLC Total:					13,500.00
Vendor: STE20 - STERICYCLE, INC.					
8006312976	104448	03/22/2024	100-222-42101	MEDICAL WASTE	66.30
Vendor STE20 - STERICYCLE, INC. Total:					66.30
Vendor: 2296 - SWENSONS MOBILE FLEET REPAIR					
INV-430	104482	03/29/2024	500-641-42107	BASIC INSPECTION CHASSIS REPAIRS WPCP	227.50
INV-431	104482	03/29/2024	500-641-42107	BASIC INSPECTION REPAIRS WPCP	227.50
Vendor 2296 - SWENSONS MOBILE FLEET REPAIR Total:					455.00
Vendor: 1253 - TARAH ORNELAS					
1039	104449	03/22/2024	209-551-42515	SIGNS AND POSTERS RECREATION	647.42
1048	104449	03/22/2024	209-551-42515	SIGNS AND POSTERS RECREATION	469.83
Vendor 1253 - TARAH ORNELAS Total:					1,117.25
Vendor: 2815 - TINA'S PLACE					
03212024	104483	03/29/2024	100-110-42515	MAYOR'S CONFERENCE DEPOSIT	1,847.77
Vendor 2815 - TINA'S PLACE Total:					1,847.77
Vendor: DAN01 - TOWN OF DANVILLE					
03182024	104450	03/22/2024	100-110-42301	MAYOR'S CONFERENCE 04042024	70.00
Vendor DAN01 - TOWN OF DANVILLE Total:					70.00
Vendor: 2633 - TRB AND ASSOCIATES, INC.					
5273R	104451	03/22/2024	212-462-42101	PLAN REVIEW AND INSPECTIONS JANUARY 2024	3,983.34
Vendor 2633 - TRB AND ASSOCIATES, INC. Total:					3,983.34
Vendor: 2668 - UBEO BUSINESS SERVICES					
4438803	104452	03/22/2024	525-118-42107	COPIER EQUIPMENT MAINT AND SUPPLIES	1,636.15
Vendor 2668 - UBEO BUSINESS SERVICES Total:					1,636.15
Vendor: USP02 - UNITED STATES POSTAL SVC					
03152024	104454	03/22/2024	209-552-43809	PERMIT PI112 RENEWAL	320.00

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03152024-1	104453	03/22/2024	209-552-43809	POSTAGE FOR APRIL NEWSLETTER PSC	300.00
Vendor USP02 - UNITED STATES POSTAL SVC Total:					620.00
Vendor: UNI38 - UNIVAR USA INC					
51927011	104455	03/22/2024	500-641-44303	SOD BISULFITE WPCP	9,822.41
Vendor UNI38 - UNIVAR USA INC Total:					9,822.41
Vendor: UNI07 - UNIVERSAL BUILDING SVCS.					
13213	104484	03/29/2024	100-222-42108	JANITORIAL SUPPLIES POLICE	222.35
13215	104484	03/29/2024	100-343-42108	JANITORIAL SUPPLIES CH	255.41
Vendor UNI07 - UNIVERSAL BUILDING SVCS. Total:					477.76
Vendor: VIS01 - VISION SERVICE PLAN					
820116922	104485	03/29/2024	100-110-41003	VISION BENEFITS APRIL 2024	148.88
820116922	104485	03/29/2024	100-111-41003	VISION BENEFITS APRIL 2024	74.44
820116922	104485	03/29/2024	100-112-41003	VISION BENEFITS APRIL 2024	111.66
820116922	104485	03/29/2024	100-113-41003	VISION BENEFITS APRIL 2024	37.22
820116922	104485	03/29/2024	100-115-41003	VISION BENEFITS APRIL 2024	111.66
820116922	104485	03/29/2024	100-116-41003	VISION BENEFITS APRIL 2024	111.66
820116922	104485	03/29/2024	100-221-41003	VISION BENEFITS APRIL 2024	967.72
820116922	104485	03/29/2024	100-222-41003	VISION BENEFITS APRIL 2024	204.71
820116922	104485	03/29/2024	100-223-41003	VISION BENEFITS APRIL 2024	446.64
820116922	104485	03/29/2024	100-341-41003	VISION BENEFITS APRIL 2024	148.88
820116922	104485	03/29/2024	100-343-41003	VISION BENEFITS APRIL 2024	297.76
820116922	104485	03/29/2024	100-465-41003	VISION BENEFITS APRIL 2024	37.22
820116922	104485	03/29/2024	105-221-41003	VISION BENEFITS APRIL 2024	148.88
820116922	104485	03/29/2024	106-222-41003	VISION BENEFITS APRIL 2024	37.22
820116922	104485	03/29/2024	209-551-41003	VISION BENEFITS APRIL 2024	111.66
820116922	104485	03/29/2024	209-552-41003	VISION BENEFITS APRIL 2024	111.66
820116922	104485	03/29/2024	209-554-41003	VISION BENEFITS APRIL 2024	37.22
820116922	104485	03/29/2024	212-461-41003	VISION BENEFITS APRIL 2024	74.44
820116922	104485	03/29/2024	212-462-41003	VISION BENEFITS APRIL 2024	148.88
820116922	104485	03/29/2024	500-641-41003	VISION BENEFITS APRIL 2024	428.03
820116922	104485	03/29/2024	500-642-41003	VISION BENEFITS APRIL 2024	111.66
820116922	104485	03/29/2024	505-119-41003	VISION BENEFITS APRIL 2024	74.44
820116922	104485	03/29/2024	998-20106	VISION BENEFITS APRIL 2024	148.88
820116928	104485	03/29/2024	998-20106	VISION BENEFITS APRIL 2024	148.88
Vendor VIS01 - VISION SERVICE PLAN Total:					4,280.30
Vendor: WES01 - WESTERN EXTERMINATOR CO.					
57399053	104486	03/29/2024	209-552-42108	PEST CONTROL MAINTENANCE PSC	96.30
57399061	104486	03/29/2024	100-343-42108	PEST CONTROL MAINTENANCE CORP YARD	86.60
Vendor WES01 - WESTERN EXTERMINATOR CO. Total:					182.90
Vendor: WIL52 - WILLDAN FINANCIAL SERVICES					
010-57785	104456	03/22/2024	500-641-42101	SEWER RATE STUDY	2,625.00
Vendor WIL52 - WILLDAN FINANCIAL SERVICES Total:					2,625.00
Vendor: 2692 - XCEL ENGINEERING CORPORATION					
1013	104487	03/29/2024	106-342-47205	Safety Improvements at Tennent Ave/Pear&Plum St	7,222.90
Vendor 2692 - XCEL ENGINEERING CORPORATION Total:					7,222.90
Vendor: ZOL02 - ZOLL					
INV00167594	104457	03/22/2024	525-118-42106	FIRE RMS SOFTWARE	180.18
Vendor ZOL02 - ZOLL Total:					180.18
Grand Total:					230,954.20

Report Summary

Fund Summary

Fund	Payment Amount
100 - General Fund	71,443.10
105 - Measure S -2006	284.98
106 - MEASURE S-2014	11,609.33
200 - Gas Tax Fund	182.88
201 - Restricted Real Estate Maintenance Fund	200.00
207 - NPDES Storm Water Fund	804.80
209 - Recreation Fund	14,171.09
212 - Building & Planning	36,939.75
225 - Asset Seizure-Adjudicated Fund	2,000.00
500 - Sewer Enterprise Fund	81,137.25
505 - Cable Access TV	134.79
525 - Information Systems	11,748.47
998 - Payroll Clearing	297.76
Grand Total:	230,954.20

Account Summary

Account Number	Account Name	Payment Amount
100-000-31510	Other Tax/Business Lice...	36.25
100-10601	Gas Tanks/Corp Yard	2,450.66
100-110-41003	Emp Benefits/Vision Care	148.88
100-110-42301	Travel & Training/Conf-R...	140.00
100-110-42302	Travel & Training/Milea...	1,366.44
100-110-42303	Travel & Training/Meal A..	155.27
100-110-42514	Admin Exp/Special Depa...	603.63
100-110-42515	Admin Exp/Special Events	1,847.77
100-111-41003	Emp Benefits/Vision Care	74.44
100-111-42101	Prof Svcs/Professional Se..	450.00
100-111-42201	Office Expense	2,017.76
100-112-41003	Emp Benefits/Vision Care	111.66
100-112-42101	Prof Svcs/Professional Se..	5,014.30
100-112-42201	Office Expense	269.10
100-113-41003	Emp Benefits/Vision Care	37.22
100-115-41003	Emp Benefits/Vision Care	111.66
100-115-42101	Prof Svcs/Professional Se..	1,563.37
100-115-47107	FF&E/Furniture & Applia...	486.62
100-116-41003	Emp Benefits/Vision Care	111.66
100-221-41003	Emp Benefits/Vision Care	967.72
100-221-41008	Emp Benefits/Long Term...	594.00
100-221-42106	Prof Svcs/Software Main...	13,500.00
100-221-42107	Prof Svcs/Equipment Ma...	4,399.74
100-221-42302	Travel & Training/Milea...	805.02
100-221-42303	Travel & Training/Meal A..	124.00
100-221-42304	Travel & Training/Officer...	6,944.09
100-221-44410	Safety Clothing	1,411.10
100-222-41003	Emp Benefits/Vision Care	204.71
100-222-42101	Prof Svcs/Professional Se..	1,238.54
100-222-42108	Prof Svcs/Building-Struc...	351.31
100-222-42201	Office Expense	25.98
100-222-42514	Admin Exp/Special Depa...	365.82
100-222-43103	Utilities/Electricity & Po...	3,595.04
100-222-44410	Safety Clothing	178.78
100-222-47107	FF&E/Furniture & Applia...	1,454.92
100-223-41003	Emp Benefits/Vision Care	446.64
100-223-41008	Emp Benefits/Long Term...	287.70
100-223-43103	Utilities/Electricity & Po...	715.50
100-231-42108	Prof Svcs/Building-Struc...	1,366.90
100-231-43103	Utilities/Electricity & Po...	4,449.09

Account Summary

Account Number	Account Name	Payment Amount
100-341-41003	Emp Benefits/Vision Care	148.88
100-341-42201	Office Expense	-75.94
100-343-41003	Emp Benefits/Vision Care	297.76
100-343-42108	Prof Svcs/Building-Struc...	8,935.09
100-343-43102	Utilities/Water	199.08
100-343-44306	Other Materials Supp/M...	102.94
100-343-44410	Safety Clothing	1,124.12
100-345-43103	Utilities/Electricity & Po...	135.72
100-345-44306	Other Materials Supp/M...	46.10
100-465-41003	Emp Benefits/Vision Care	37.22
100-465-42201	Office Expense	-75.93
100-551-42511	Admin Exp/Equipment R...	144.77
105-115-42101	Prof Svcs/Professional Se..	76.70
105-221-41003	Emp Benefits/Vision Care	148.88
105-221-41008	Emp Benefits/Long Term...	59.40
106-115-42101	Prof Svcs/Professional Se..	376.70
106-222-41003	Emp Benefits/Vision Care	37.22
106-342-47205	Improvements/Streets	7,222.90
106-345-47203	Improvements/Parks	3,972.51
200-342-43103	Utilities/Electricity & Po...	182.88
201-343-42513	Admin Exp/Rent	200.00
207-344-42107	Prof Svcs/Equipment Ma...	804.80
209-551-41003	Emp Benefits/Vision Care	111.66
209-551-42302	Travel & Training/Milea...	1,097.37
209-551-42303	Travel & Training/Meal A..	240.00
209-551-42515	Admin Exp/Special Events	1,117.25
209-552-41003	Emp Benefits/Vision Care	111.66
209-552-42108	Prof Svcs/Building-Struc...	248.30
209-552-42302	Travel & Training/Milea...	35.04
209-552-42303	Travel & Training/Meal A..	206.00
209-552-43103	Utilities/Electricity & Po...	716.93
209-552-43802	Program Cost/Class Fees	1,327.45
209-552-43804	Program Cost/Food Prog...	3,529.68
209-552-43809	Program Cost/Newsletter	620.00
209-552-43811	Program Cost/Supplies	44.37
209-553-42108	Prof Svcs/Building-Struc...	101.59
209-553-43103	Utilities/Electricity & Po...	317.44
209-554-41003	Emp Benefits/Vision Care	37.22
209-554-42108	Prof Svcs/Building-Struc...	715.51
209-554-43103	Utilities/Electricity & Po...	40.24
209-557-42108	Prof Svcs/Building-Struc...	3,316.66
209-557-43103	Utilities/Electricity & Po...	97.33
209-558-43103	Utilities/Electricity & Po...	139.39
212-461-41003	Emp Benefits/Vision Care	74.44
212-461-42101	Prof Svcs/Professional Se..	25,649.50
212-461-42302	Travel & Training/Milea...	614.06
212-462-41003	Emp Benefits/Vision Care	148.88
212-462-42101	Prof Svcs/Professional Se..	9,542.22
212-462-42201	Office Expense	-151.84
212-462-47103	FF&E/Furniture & Applia...	1,062.49
225-221-42514	Admin Exp/Special Depa...	2,000.00
500-641-41003	Emp Benefits/Vision Care	428.03
500-641-42101	Prof Svcs/Professional Se..	2,625.00
500-641-42107	Prof Svcs/Equipment Ma...	455.00
500-641-42201	Office Expense	181.87
500-641-43103	Utilities/Electricity & Po...	8,556.89
500-641-44302	Other Materials Supp/Sl...	5,502.29
500-641-44303	Other Materials Supp/C...	43,599.32

Account Summary

Account Number	Account Name	Payment Amount
500-641-44305	Other Materials Supp/La...	1,855.89
500-641-44306	Other Materials Supp/M...	1,844.35
500-641-44410	Safety Clothing	2,335.86
500-642-41003	Emp Benefits/Vision Care	111.66
500-642-42101	Prof Svcs/Professional Se...	12,555.00
500-642-43102	Utilities/Water	1,076.16
500-642-43103	Utilities/Electricity & Po...	9.93
505-119-41003	Emp Benefits/Vision Care	74.44
505-119-43103	Utilities/Electricity & Po...	60.35
525-118-42106	Prof Svcs/Software Main...	180.18
525-118-42107	Prof Svcs/Equipment Ma...	1,636.15
525-118-42510	Admin Exp/Software Pur...	716.41
525-118-43101	Utilities/Telephone	9,215.73
998-20106	Sal & Ben Payable/Vision...	297.76
	Grand Total:	230,954.20

Project Account Summary

Project Account Key	Payment Amount	
None	207,377.70	
10022142304GR2302	6,944.09	
10634247205RO2304	7,222.90	
10634547203IN1704	3,972.51	
21246142101GP2201	5,437.00	
	Grand Total:	230,954.20

Approved By: 

Date: 3/27/2024



CITY COUNCIL REPORT

9.C.

DATE: APRIL 2, 2024
TO: MAYOR AND COUNCIL MEMBERS
FROM: SANJAY MISHRA, PUBLIC WORKS DIRECTOR
SUBJECT: AWARD A CONTRACT FOR LANDSCAPE MAINTENANCE SERVICES (RFP NO. PW-2024-02) TO PACIFIC SITE MANAGEMENT FOR AN AMOUNT NOT TO EXCEED \$420,545

RECOMMENDATION

Staff recommends that the City Council adopt a resolution (Attachment A) to:

1. Accept the lowest responsive, responsible bid from Desert Parks Landscaping, Inc. dba Pacific Site Management (Pacific Site Management) and award a General Contractor Services Agreement (Attachment B, the "Agreement") for Landscape Maintenance Services (RFP No. PW-2024-02);
2. Authorize the City Manager to execute the Agreement with Pacific Site Management for an amount not to exceed \$420,545;
3. Authorize funds for a 15% contingency for the agreement in an amount not to exceed \$63,455.
4. Authorize the Finance Director to budget \$484,000 over a 3-year term.
5. Authorize \$375,000 in funds for two (2) optional one-year extension terms to the Agreement, based on a projection of annual costs, which will be tied to the change in the Bay Area (San Francisco-Oakland-Hayward, CA) Consumer Price Index (CPI) from the effective date of the Agreement to the effective date of the extension;
6. Authorize the City Manager to execute two (2) one-year extensions to extend the term of the Agreement;
7. Authorize the City Manager or a designee to issue any necessary change orders to complete additional work within contract authority for the Project.

BACKGROUND

The City's landscape maintenance services are currently provided by Pacific Site Management. The City wanted to obtain competitive bids for a contractor to provide landscape maintenance services under a new agreement.

On February 7, 2024, staff released a Notice of Invitation for Bids for Landscape Maintenance Services (RFP No. PW-2024-02) on www.publicpurchase.com and www.ci.pinole.ca.s/bids. On February 14, 2024, the Notice of Invitation for Bids was published in the West County Times. Bids were due on February 28, 2024. The work will be completed under an agreement with a period of three (3) years with two (2) optional one-year extensions. The work includes the maintenance of City-owned parks, medians, facilities, and parking lots. Maintenance includes

landscape maintenance services such as mowing of turf; trimming of trees and vegetation; removal of weeds; watering; repair; waste disposal, weekend trash disposal and restroom maintenance, and all other work described in the Contract Documents.

REVIEW AND ANALYSIS

Bid Opening. On February 28, 2024, three (3) bids were received and publicly read at 2:00 PM at City Hall. Per the bidding and contract documents, the City award of the contract, if awarded, will be made to the lowest responsive, responsible Bidder whose bid complies with the Contract Documents. The basis of award for this project is the total cost of the Base Bid Schedule only. The following table summarizes the bids received:

Name of Bidder	Total Amount of Base Bid
New Image Landscape Company	\$ 562,039
Desert Parks Landscaping, Inc. dba Pacific Site Management	\$ 420,525
Anvil Builders Inc dba Atlas Sonoma Tree Surgery	\$ 5,533,270

Apparent Lowest Bid Review. The total cost of the Base Bid Schedule in the apparent lowest bid submitted by Pacific Site Management is \$420,525. Staff reviewed Pacific Site Management's bid package for compliance with the Contract documents and determined the bid was complete and responsive.

Year 1 to 3 Cost Review. The amount to be awarded, \$420,525, is the total for a 36-month term. The annual cost under the agreement is approximately \$140,175. This may vary year-on-year depending on how much hourly extra work is performed of the total amount of \$48,750 over 36 months. For the last few years, the City spent an average of about \$105,600 per annum for landscape maintenance services. With a contingency funding of 15%, the total funding for the first three (3) years of the agreement is \$484,000.

Year 4 to 5 Projected Cost Review. The two (2) optional one-year extension terms allow for a cost adjustment based on the change in the CPI. While future increases are unknown, the 3-year increase for 2021 2023 was approximately 13.6% and the average 1-year increase was 4.33%. Therefore, projected annual costs for the optional Years 4 and 5 are approximately \$159,000 and \$167,000, respectively. With a 15% contingency, the additional funds requested for two (2) one-year extensions are a total of \$375,000.

FISCAL IMPACT

The anticipated financial burden for the new landscape maintenance contract, with contingencies, is as follows:

FY 2024-25 \$161,330

FY 2025-26 \$161,330

FY 2026-27 \$161,340
FY 2027-28 \$182,950
FY 2028-29 \$192,050

ATTACHMENTS

- A. Resolution
- B. General Contractor Services Agreement

RESOLUTION NO. 2024 – xx

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, AWARDING A GENERAL CONTRATOR SERVICES AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES TO PACIFIC SITE MANAGMENT IN AN AMOUNT NOT TO EXCEED \$420,545

WHEREAS, the City of Pinole (“City”) owns parks, medians, facilities, and parking lots that require landscape maintenance; and

WHEREAS, the City contracts for landscape maintenance services; and

WHEREAS, on February 7, 2024, City staff released a Notice of Invitation for Bids (NIB) on www.publicpurchase.com and also posted contract documents on www.ci.pinoles.ca.us/city_government/public_works/capital_projects/bids_and_rfps for Landscape Maintenance Services RFP PW-2024-02 (the “Work”); and

WHEREAS, the Notice of Invitation for Bids was published in the West County Times on February 14, 2024, which specified the time and place for opening of sealed bids and described the nature of the Work; and

WHEREAS, the Work includes the maintenance of City-owned parks, medians, facilities, and parking lots. Maintenance includes landscape maintenance services such as mowing of turf; trimming of trees and vegetation; removal of weeds; watering; repair; waste disposal, weekend trash disposal and restroom maintenance, and all other work described in the Contract Documents; and

WHEREAS, on February 28, 2024, at 2:00 p.m., Public Works staff publicly opened and examined the sealed bids for the Work; and

WHEREAS, staff has determined that Desert Parks Landscaping, Inc. dba Pacific Site Management (Pacific Site Management) is the lowest responsive, responsible bidder; and

WHEREAS, the Work will be completed under an agreement with a period of three (3) years with two (2) optional one-year extensions; and

WHEREAS, the current adopted operating budget has adequate funds to award the General Contractor Services Agreement.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Pinole as follows:

1. Accepts the lowest responsive, responsible bid from Desert Parks Landscaping, Inc. dba Pacific Site Management (Pacific Site Management) and award a General Contractor Services Agreement (Attachment B, the "Agreement") for Landscape Maintenance Services (RFP No. PW-2024-02);
2. Authorizes the City Manager to execute the Agreement with Pacific Site Management in an amount not to exceed \$420,545;
3. Authorizes funds for a 15% contingency for the agreement in an amount not to exceed \$63,455.
4. Authorizes the Finance Director to budget \$484,000 for a 3-year term.
5. Authorizes \$375,000 in funds for two (2) optional one-year extension terms to the Agreement, based on a projection of annual costs, which will be tied to the change in the Bay Area (San Francisco-Oakland-Hayward, CA) Consumer Price Index (CPI) from the effective date of the Agreement to the effective date of the extension;
6. Authorizes the City Manager to execute two (2) one-year extensions to extend the term of the Agreement;
7. Authorizes the City Manager or their designee to issue any necessary change orders to complete additional work within contract authority for the Project.

PASSED AND ADOPTED at a regular meeting of the Pinole City Council held on the 19th day of March 2024 by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

I hereby certify that the foregoing resolution was regularly introduced, passed, and adopted on the 19th day of March 2024.

Heather Bell
City Clerk

**GENERAL CONTRACTOR SERVICES AGREEMENT BETWEEN
THE CITY OF PINOLE AND
DESERT PARKS LANDSCAPING, INC. DBA PACIFIC SITE MANAGEMENT**

This agreement for General Services ("Agreement") is entered into on March ____, 2024 between the CITY OF PINOLE, a municipal corporation, with offices located at 2131 Pear Street, Pinole, California ("City") and DESERT PARKS LANDSCAPING, INC. DBA PACIFIC SITE MANAGEMENT ("Contractor") (together sometimes referred to as the "Parties").

Section 1. SERVICES. In accordance with the terms and conditions set forth in this Agreement, Contractor agrees to perform all services described in the Landscape Maintenance Contract Documents, attached as Exhibit A, which is incorporated herein. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, this Agreement shall prevail.

1.1 Term of Services. This Agreement shall begin on the Effective Date and shall end three (3) years from the date this Agreement was signed by City, unless the term of the Agreement is otherwise terminated or modified, as provided for herein.

1.1.1 Allowable Schedule: Work shall be started within ten (10) calendar days of the notice to proceed.

1.1.2 Optional Extensions: Two (2) one-year extensions may be made to the term of the Agreement at the City's option.

1.2 Standard of Performance. Contractor shall diligently perform all services required in connection with this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which Contractor is engaged in the geographical area in which Contractor practices its profession.

1.3 Assignment of Personnel. Contractor shall assign only competent personnel to perform services in connection with this Agreement.

1.4 Termination. City may cancel this Agreement at any time and without cause upon written notification to Contractor. In the event of termination, Contractor shall be entitled to compensation for services satisfactorily completed as of the date of written notice of termination; City, however, may condition payment of such compensation upon Contractor delivering to City documents and records identified in Section 10.1 of this Agreement.

Section 2. COMPENSATION. City hereby agrees to pay Contractor for the Scope of Services, whether by fixed price, hourly rates subject to a fixed rate schedule, pursuant to the fee schedule attached as Exhibit A, which is incorporated herein. Total compensation for work performed under this Agreement, **NOT TO EXCEED \$420,545.**

2.1 Invoices. Contractor shall submit invoices once a month, based on the cost for services performed and reimbursable costs incurred prior to the invoice date. Contractor shall have ninety (90) days after the completion of work to invoice City for all amounts due and outstanding under each governed by this Agreement. In the event Contractor fails to invoice City for all amounts due within such ninety (90) day period, Contractor shall waive its right to collect payment from City.

- 2.2 Payment.** City shall make monthly payments, based on invoices received, for services satisfactorily performed, and for authorized reimbursable costs incurred.
- 2.3 Reimbursable Expenses.** No expenses, costs, or liabilities of Contractor shall be reimbursable unless the obligation and manner of reimbursement is expressly set forth in the scope of services (Exhibit A) and in the fee schedule (Exhibit A).
- 2.4 Payment of Taxes.** Contractor is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.
- 2.5 Optional Extensions.** Compensation for the one-year extension terms will be based on the Bid Schedule in Exhibit A, adjusted based on the change in the Bay Area (San Francisco-Oakland-Hayward, CA) Consumer Price Index (CPI) from the Effective Date of this Agreement to the effective date of the extension, or, at the City's option, as negotiated between the City and Contractor.

Section 3. CHANGES AND EXTRA SERVICES.

- 3.1** Provided that City gives reasonable advance notice to Contractor, City may propose in writing changes to Contractor's work within the Scope of Services described. If Contractor is of the opinion that any proposed change causes an increase or decrease in the cost, or a change in the schedule for performance, of the services, Contractor shall notify City in writing of that fact within five (5) days after receipt of written proposal for changes. Contractor may also initiate such notification, upon identifying a condition which may change the Scope of Services as agreed at the time of execution of this Agreement covering such Scope of Services. When and if City and Contractor reach agreement on any such proposed change and its effect on the cost and time for performance, they shall confirm such agreement in writing as an amendment to this Agreement. In the event the Parties cannot reach agreement as to the proposed change, at the City's sole discretion, Contractor shall perform such work and will be paid for labor, materials, equipment rental, etc., actually used to perform the work.
- 3.2** City shall not be liable for payment of any changes under Section 3.1, nor shall Contractor be obligated to perform any such changes, except upon such written amendment or supplement; provided that if, upon City's written request, Contractor begins work in accordance with a proposed change, City shall be liable to Contractor for the amounts due with respect to Contractor's work pursuant to such change, unless and until City notifies Contractor to stop work on such change.

Section 4. PROJECT SITE. Contractor shall perform the Services in such a manner as to cause a minimum of interference with City's operations and the operations of other contractors at each Project site and to protect all persons and property thereon from damage or injury. Upon completion of the Services at a Project site, Contractor shall leave such Project site clean and free of all tools, equipment, waste materials and rubbish. Each Project site may include all buildings, offices, and other locations where Services are to be performed, including any access roads. Contractor shall be solely responsible for the safe transportation and packing in proper containers and storage of any equipment required for performing the Services, whether owned, leased or rented. City will not be responsible for any such equipment which is lost, stolen or damaged or for any additional rental charges for such equipment. Equipment left or stored at a Project site, with or without permission, is at Contractor's sole risk. City may assume that anything left

on the work site an unreasonable length of time after said work is completed has been abandoned. Any transportation furnished by City shall be solely as an accommodation and City shall have no liability therefore. Contractor acknowledges and agrees that it shall assume the risk and is solely responsible for its use of any City owned equipment and property provided by City for the performance of Services. City shall have no liability to Contractor therefore. In addition, Contractor further acknowledges and agrees that it shall assume the risk and is solely responsible for its owned, non-owned and hired automobiles, trucks or other motorized vehicles as well as any equipment, tolls, or other property which is utilized by Contractor on each Project site.

Section 5. INSURANCE REQUIREMENTS. Before beginning any work under this Agreement, Contractor, at its own cost and expense, shall procure the types and amounts of insurance listed below for the period covered by the Agreement.

- 5.1 **Workers' Compensation.** If Contractor employs any person, Contractor shall maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Contractor with limits of not less than One Million Dollars (\$1,000,000.00) per accident.
- 5.2 **Commercial General and Automobile Liability Insurance.** Contractor shall maintain commercial general and automobile liability insurance for the term of this Agreement in an amount not less than Two Million Dollars (\$2,000,000.00) per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting there from, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles. The City shall be named as an additional insured and insurance shall provide primary coverage with respect to the City by written endorsement to the policy.
- 5.3 **General Liability/Umbrella Insurance.** The coverage amounts set forth above may be met by a combination of underlying and umbrella policies so long as in combination the limits equal or exceed those stated.
- 5.4 **Professional Liability Insurance.** (Required for all Licensed Contractors performing design work) Contractor shall maintain professional liability insurance for licensed professionals performing work in connection with this Agreement in an amount not less than One Million Dollars (\$1,000,000.00) covering the licensed professionals' errors and omissions. Any deductible or self-insured retention shall not exceed Two Hundred Fifty-Thousand Dollars (\$250,000.00) per claim.
- 5.5 **All Policies Requirements.**
 - 5.5.1 **Verification of Coverage.** Prior to beginning any work under this Agreement, Contractor shall, at the sole option of the City, provide City with (1) certified Certification of Insurance that demonstrates compliance with all applicable insurance provisions contained herein; and (2) upon request by the City, complete certified copies of all policies and/or complete certified copies of all endorsements that demonstrate compliance with this Section 5.

5.5.2 Notice of Reduction in or Cancellation of Coverage. A certified endorsement must be attached to all insurance obtained in accordance with this Agreement stating that coverage shall not be suspended, voided, canceled by either party, or reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

5.6 Waiver of Subrogation. Contractor agrees to waive subrogation which any insurer of Contractor may acquire from Contractor by virtue of the payment of any loss. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of City for all work performed by Contractor, its employees, agents and subcontractors.

Section 6. INDEMNIFICATION AND CONTRACTOR'S RESPONSIBILITIES.

6.1 Contractor shall to the fullest extent allowed by law, with respect to all services performed in connection with this Agreement, indemnify, defend and hold harmless the City and its officials, commissioners, officers, employees, agents and volunteers from and against any and all claims that arise out of, pertain to or relate to the negligence, recklessness or willful misconduct of the Contractor. Contractor will bear all losses, costs, damages, expense and liability of every kind, nature and description that arise out of, pertain to, or relate to such Claims, whether directly or indirectly ("Liabilities"). Such obligations to defend, hold harmless and indemnify the City shall not apply to the extent that such Liabilities are caused by the sole negligence, active negligence, or willful misconduct of the City.

Section 7. STATUS OF CONTRACTOR. At all times during the term of this Agreement, Contractor shall be an independent contractor and shall not be an employee of City. Contractor shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent.

Section 8. LEGAL REQUIREMENTS.

8.1 Governing Law. The laws of the State of California shall govern this Agreement.

8.2 Compliance with Applicable Laws. Contractor and any subcontractors shall comply with all laws applicable to the performance of the work in connection with this Agreement.

8.3 Licenses and Permits. Contractor represents and warrants to City that Contractor and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions.

8.4 Nondiscrimination and Equal Opportunity. In compliance with federal, state and local laws, Contractor shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Contractor under this Agreement.

- 8.5 **Work Requiring Payment of Prevailing Wages.** In accordance with California Labor Code § 1771, not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which these services are to be performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work fixed as provided in the California Labor Code shall be paid to all workers engaged in performing the services under this Agreement.

Section 9. MODIFICATION.

- 9.1 **Amendments.** The Parties may amend this Agreement only by a writing signed by all the Parties.
- 9.2 **Assignment.** Contractor may not assign this Agreement or any interest therein without the prior written approval of the City.
- 9.3 **Subcontracting.** Contractor shall not subcontract any portion of the performance contemplated and provided for herein without prior written approval of the City. Where written approval is granted by the City, Contractor shall supervise all work subcontracted by Contractor in performing the Services; shall be responsible for all work performed by a subcontractor as if Contractor itself had performed such work; the subcontracting of any work to subcontractors shall not relieve Contractor from any of its obligations under this Agreement with respect to the Services; and Contractor is obligated to ensure that any and all subcontractors performing any Services shall be fully insured in all respects and to the same extent as set forth under Section 5, to City's satisfaction.
- 9.4 **Survival.** All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between City and Contractor shall survive the termination of this Agreement.
- 9.5 **Options upon Breach by Contractor.** If Contractor materially breaches any of the terms of this Agreement, City's remedies shall include, but not be limited to, the following:
- 9.5.1 Immediately terminate the Agreement;
 - 9.5.2 Retain the plans, specifications, drawings, reports, design documents, and any other work product prepared by Contractor in accordance with this Agreement;
 - 9.5.3 Retain a different Contractor to complete the Services not finished by Contractor;
or
 - 9.5.4 Charge Contractor the difference between the costs to complete the work at the time of breach and the amount that City would have paid Contractor in accordance with Section 2 if Contractor had completed the Work.

Section 10. KEEPING AND STATUS OF RECORDS.

- 10.1 Records Created as Part of Contractor's Performance.** All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Contractor prepares or obtains in accordance with this Agreement and that relate to the matters covered under the terms of this Agreement shall be the property of the City.
- 10.2 Contractor's Books and Records.** Contractor shall maintain any and all records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the City under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to the Contractor to this Agreement.
- 10.3 Confidential Information and Disclosure.** During the term of this Agreement, either party (the "Disclosing Party") may disclose confidential, proprietary or trade secret information (the "Information"), to the other party (the "Receiving Party"). The Receiving Party shall hold the Disclosing Party's Information in confidence and shall take all reasonable steps to prevent any unauthorized possession, use, copying, transfer or disclosure of such Information. Contractor understands that City is a public City and is subject to the laws that may compel it to disclose information about Contractor's business.

Section 11. WARRANTY.

- 11.1** In addition to any and all warranties provided or implied by law or public policy, Contractor warrants that all Services (including but not limited to all equipment and materials supplied in connection therewith) shall be free from defects in design and workmanship, and that Contractor shall perform all Services in accordance with all applicable engineering, construction and other codes and standards, and with the degree of high professional skill normally exercised by or expected from recognized professional firms engaged in the practice of supplying services of a nature similar to the Services in question. Contractor further warrants that, in addition to furnishing all tools, equipment and supplies customarily required for performance of work, Contractor shall furnish personnel with the training, experience and physical ability, as well as adequate supervision, required to perform the Services in accordance with the preceding standards and the other requirements of this Agreement. In addition to all other rights and remedies which City may have, City shall have the right to require, and Contractor shall be obligated at its own expense to perform, all further services which may be required to correct any deficiencies which result from Contractor's failure to perform any Services in accordance with the standards required by this Agreement. Moreover, if, during the term of this Agreement (or during the one (1) year period following the term hereof), any equipment, goods or other materials or Services used or provided by Contractor under this Agreement fail due to defects in material and/or workmanship or other breach of this Agreement, Contractor shall, upon any reasonable notice from City, replace or repair the same to City's satisfaction. Unless otherwise expressly permitted, all materials and supplies to be used by Contractor in the performance of the Services shall be new and best of kind.

- 11.2 Contractor hereby assigns to City all additional warranties, extended warranties, or benefits like warranties, such as insurance, provided by or reasonably obtainable from suppliers of equipment and material used in the Services.

Section 12. HEALTH AND SAFETY PROGRAMS. The Contractor shall establish, maintain, and enforce safe work practices, and implement an accident/incident prevention program intended to ensure safe and healthful operations under their direction. The program shall include all requisite components of such a program under Federal, State and local regulations and shall comply with all City site programs.

- 12.1 Contractor will be responsible for acquiring job hazard assessments as necessary to safely perform all duties of each Project and provide a copy to City upon request.
- 12.2 Contractor will be responsible for providing all employee health and safety training and personal protective equipment in accordance with potential hazards that may be encountered in performance of Project and provide copies of the certified training records upon request by City. Contractor shall be responsible for proper maintenance and/or disposal of their personal protective equipment and material handling equipment.
- 12.3 Contractor is responsible for ensuring that its lower-tier subcontractors are aware of and will comply with the requirements set forth herein.
- 12.4 City, or their representatives, shall periodically monitor the safety performance of the Contractor working on the Project. All Contractors and their subcontractors shall be required to comply with the safety and health obligations as established in the Agreement. Non-compliance with safety, health, or fire requirements may result in cessation of work activities, until items in non-compliance are corrected. It is also expressly acknowledged, understood and agreed that no payment shall be due from City to Contractor under this Agreement at any time when, or for any Services performed when, Contractor is not in full compliance with this Section 10.
- 12.5 Contractor shall immediately report any injuries to the City site safety representative. Additionally, the Contractor shall investigate and submit to the City site safety representative copies of all written accident reports, and coordinate with City if further investigation is requested.
- 12.6 Contractor shall take all reasonable steps and precautions to protect the health of their employees and other site personnel with regard to their Scope of Services. Contractor shall conduct occupational health monitoring and/or sampling to determine levels of exposure of its employees to hazardous or toxic substances or environmental conditions. Copies of any sampling results will be forwarded to the City site safety representative upon request.
- 12.7 Contractor shall develop a plan to properly handle and dispose of all hazardous wastes they generate within the Scope of Services.
- 12.8 Contractor shall advise its employees and subcontractors that any employee, who jeopardizes his/her safety and health, or the safety and health of others, may be subject to actions including removal from Project.

- 12.9 Contractor shall, at the sole option of the City develop and provide to the City a Hazardous Material Spill Response Plan that includes provisions for spill containment and clean-up, emergency contact information including regulatory agencies and spill sampling and analysis procedures. Hazardous Materials to include diesel fuel used for trucks owned or leased by the Contractor.

Section 13. MISCELLANEOUS PROVISIONS.

- 13.1 **Attorneys' Fees.** If a Party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret the provision of this Agreement, the prevailing Party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that Party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.
- 13.2 **Venue.** In the event that either Party brings any action against the other under this Agreement, the Parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Contra Costa or in the United States District Court for the Northern District of California.
- 13.3 **Severability.** If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect.
- 13.4 **No Implied Waiver of Breach.** The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.
- 13.5 **Contract Administration.** This Agreement shall be administered by the City Manager or her designee, who shall act as the City's representative. All correspondence shall be directed to or through the representative.
- 13.6 **Notices.**
Any written notice to Contractor shall be sent to:
Chris Greenhalgh, President
Desert Parks Landscaping, Inc.
dba Pacific Site Management
12740 Earhart Ave
Auburn, CA 95602

Any written notice to City shall be sent to:
Neil Gang, Interim City Manager
City of Pinole
2131 Pear Street
Pinole, CA 94564
- 13.7 **Professional Seal.** Where applicable in the determination of the City, the first page of a technical report, first page of design specifications, and each page of construction drawings shall be stamped/sealed and signed by the licensed professional responsible for the report/design preparation.

13.8 Integration; Incorporation. This Agreement, including all the exhibits attached hereto, represents the entire and integrated agreement between City and Contractor and supersedes all prior negotiations, representations, or agreements, either written or oral. All exhibits attached hereto are incorporated by reference herein.

13.9 Alternative Dispute Resolution. If any dispute arises between the Parties that cannot be settled after engaging in good faith negotiations, City and Contractor agree to resolve the dispute in accordance with the following:

Each Party will designate a senior management or executive level representative to negotiate the dispute. Through good faith negotiations, the representatives will attempt to resolve the dispute by any means within their authority. If dispute remains unresolved after fifteen (15) days of good faith negotiations, the Parties shall attempt to resolve the disagreement by mediation through a disinterested third person as mediator selected by both Parties. Mediation will begin within thirty (30) days of the selection of this disinterested third party, and will end fifteen (15) days after commencement. The Parties shall equally bear the costs of any third party in any alternative dispute resolution process.

The alternative dispute resolution process is a material condition to this Agreement and must be exhausted as an administrative remedy prior to either Party initiating legal action. This alternative dispute resolution process is not intended to nor shall be construed to change the time periods for filing a claim or action specified by Government Code § 900, et. seq.

13.10 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

The Parties have executed this Agreement as of the date signed by the City.

CITY OF PINOLE

CONTRACTOR

Date: _____

Date: _____

Neil Gang
Interim City Manager

Chris Greenhalgh, President
Desert Parks Landscaping, Inc.
dba Pacific Site Management

Attest:

Heather Bell
City Clerk

Approved as to Form:

Eric Casher
City Attorney
General Contractor Services Agreement
Pacific Site Management

EXHIBIT A
SCOPE OF SERVICES AND FEES



CITY COUNCIL REPORT

9.D.

DATE: APRIL 2, 2024
TO: MAYOR AND COUNCIL MEMBERS
FROM: LILLY WHALEN, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: PINOLE PERKS PROGRAM UPDATE AND BUDGET ALLOCATION FOR FY23/24 AND FY24/25

RECOMMENDATION

Staff recommends that the City Council take the following actions by minute order:

- (1) approve restructuring of the Pinole Perks Program to offer a 25% bonus card for each customer purchased card \$50 and greater up to \$200, with the City covering all e-delivery and bonus card fees, with a maximum of 2 cards per customer per quarter, and with quarterly releases of promotional funding (i.e., in January, April, July and October);
- (2) allocate \$5,000 from the Business Development/Community Help Reserve for the Pinole Perks program for the remainder of FY23/24 and \$20,000 for the entirety of FY24/25 from the Business Development/Community Help Reserve and Revitalization Reserve; and
- (3) direct staff to continue to promote the program and recruit additional merchants through social media, the *Pulse*, PCTV, fliers at business and City Hall, at community outreach events and through the Chamber of Commerce.

BACKGROUND

On June 10, 2022 the Pinole Perks community gift card program was launched as a pilot program. The goal of the pilot program was to support local independent brick-and-mortar businesses that experienced economic hardship due to the COVID-19 pandemic, as well as to provide financial assistance to community members. \$100,000 in funding was provided by the American Rescue Plan Act (ARPA) of 2021 to start the program.

On May 2, 2023 staff provided an update and evaluation of the program. Information on the program's design, highlights and costs were provided as [Item 12B in the May 2, 2023 Agenda Packet](#). Following discussion, Council directed that the City continue the Program, with staff to return with additional information regarding merchant data and recommendations for annual funding to sustain the program.

REVIEW AND ANALYSIS

Program Highlights

Since the program launched on June 10, 2022 through January 31, 2024, \$225,075 in Pinole Perks cards have been sold and over \$209,445 in cards have been redeemed at participating businesses in the community. \$151,129 in card sales are attributed to customer purchases (978 cards) and \$75,050 in sales are associated with City

subsidized bonus cards (967 cards). There is \$15,630 of purchased cards that have not yet been spent in the community. The City has also subsidized \$9,519 in delivery fees charged by the vendor (with 90% of the fees attributed to subsidizing customer purchase fees and 10% attributed to subsidizing bonus card fees). See **Table 1**.

In order to incentive customers to purchase Pinole Perks cards, the City offered the following incentive system:

- Buy a gift card valued at greater than \$20 and receive a bonus gift card equal to half the value purchased, with a maximum purchase limit of \$200 per card with the promotion
- A limit of 5 cards per customer
- Bonus gift cards expire 120 days after purchase (any expired unspent bonus gift funds are returned to the City for redistribution after a restocking fee)
- All purchasing and delivery fees will be paid for by the City during the Pilot Program, while funds remain (first come first served)

Table 1: Summary of Pinole Perks Program (6/10/22 - 1/31/24)

	Customer Purchased Cards		City Subsidized Bonus Cards	
	<i>Total Value of Cards (never expire)</i>	<i>City Subsidized Delivery Fees (\$1/card + 5% of the purchase cost)</i>	<i>Total Value of Cards (expire after 120 days, and then restocked)</i>	<i>City Subsidized Delivery Fees (\$1/card)</i>
Sold	\$151,129	\$8,591	\$75,050	\$928
Redeemed	\$136,779	n/a	\$70,429	n/a
Remaining to be Spent	\$14,350	n/a	\$4,621	n/a

According to the data presented in **Table 1**, the redemption rate of customer-purchased cards was 91%. This is a high redemption rate, especially considering that these cards do not have an expiration date. When purchased cards have high redemption rates, it indicates that merchants are processing them correctly, and customers are finding value in them and enjoying the program. The redemption rate for the bonus cards subsidized by the City is at 94%. These cards have an expiration date of 120 days, after which they become available for City-subsidized delivery fees. Currently, these restocked bonus card funds are sustaining the program in the form of subsidized delivery fees for customer purchased cards until additional bonus funding is allocated.

Overall, the most popular customer purchased card amounts include \$200 cards (34%) and \$100 cards (43%). This demonstrates that the majority of customers chose to purchase higher dollar value cards in order to maximize their overall bonus card allotment. **Table 2** presents the distribution of bonus card denomination by number of cards sold, value, etc.

Table 2: Bonus Card Distribution by Bonus Card Value				
Bonus Card Value	Number of Cards Sold	Percentage of Total Number of Cards Sold	Total Value of Cards Sold	Percentage of Total Value of Cards Sold
≤\$25	133	14%	\$2,450	3%
>\$25 and ≤\$50	198	20%	\$9,693	13%
>\$50 and ≤\$75	19	2%	\$1,320	2%
>\$75 and ≤\$100	616	64%	\$61,587	82%
Total	966	100%	\$75,050	100%

Merchant Mix

A key component of the program was to recruit local businesses to participate in the Pinole Perks program. With one of the main objectives of the program being to support small, local businesses, the Council aligned on the following parameters for business participation in the Pinole Perks program:

- Is a for-profit business in one of the following categories:
 1. Retail
 2. Restaurant/Cafe
 3. Personal Services limited to: hair stylists, barbers, estheticians, massage therapists, gyms, photographers, nail salons, dry cleaners, tanning salons, pet groomers, fitness/specialty studios including martial arts, yoga, dance, and music
- Operates from a physical storefront (home-based businesses are not eligible)
- Maintains a current City business license
- Has no open code enforcement actions
- Has 20 or fewer full-time equivalent employees as of December 1, 2021
- Is either independently owned/operated or a locally-owned chain (i.e., local outlets of chains or franchises headquartered outside of Pinole are not eligible)

The eligibility parameters for businesses to participate in the program are similar to the parameters that the City used for a preceding ARPA-funded small business grant program. Over time, the program grew to the current enrollment of 31 businesses ([view locations online](#)). Nine additional businesses have registered for the program but have not yet completed the final step necessary in order to take Pinole Perks card, which is running a test card through the system. The current business mix accepting cards includes 14 restaurants/cafes, six spa/beauty stores, six businesses that provide miscellaneous services such as pet grooming and specialty classes (music and dancing), and five retail stores. See **Figure 1**.

As shown in **Figure 2**, just under 50% of the cards were used at participating restaurants, over 25% were spent at retail businesses, and almost 20% were used at spa/beauty and miscellaneous service businesses.

Figure 1: Merchant Mix for the Pinole Perks Program

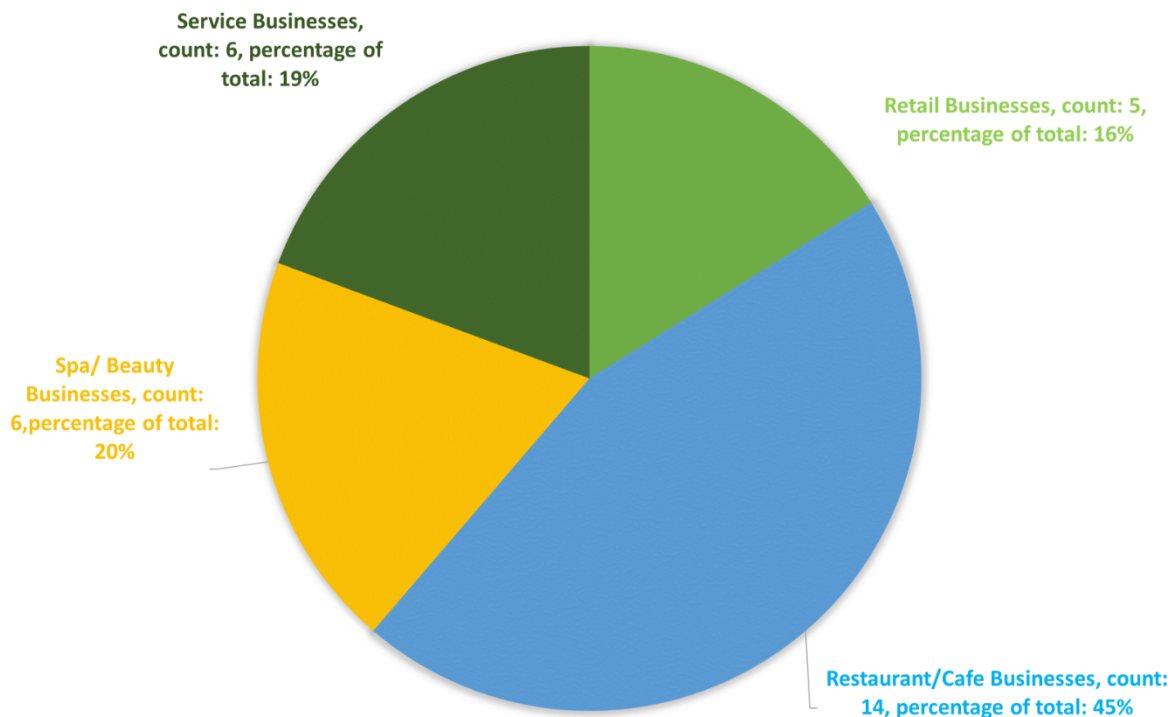
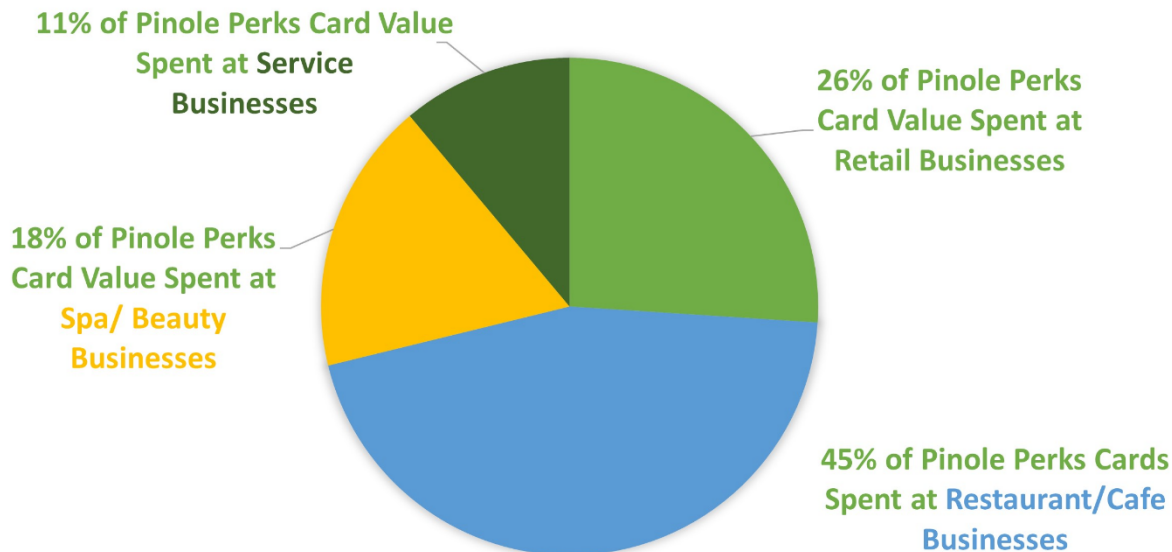


Figure 2: Where Pinole Perks Cards Were Spent

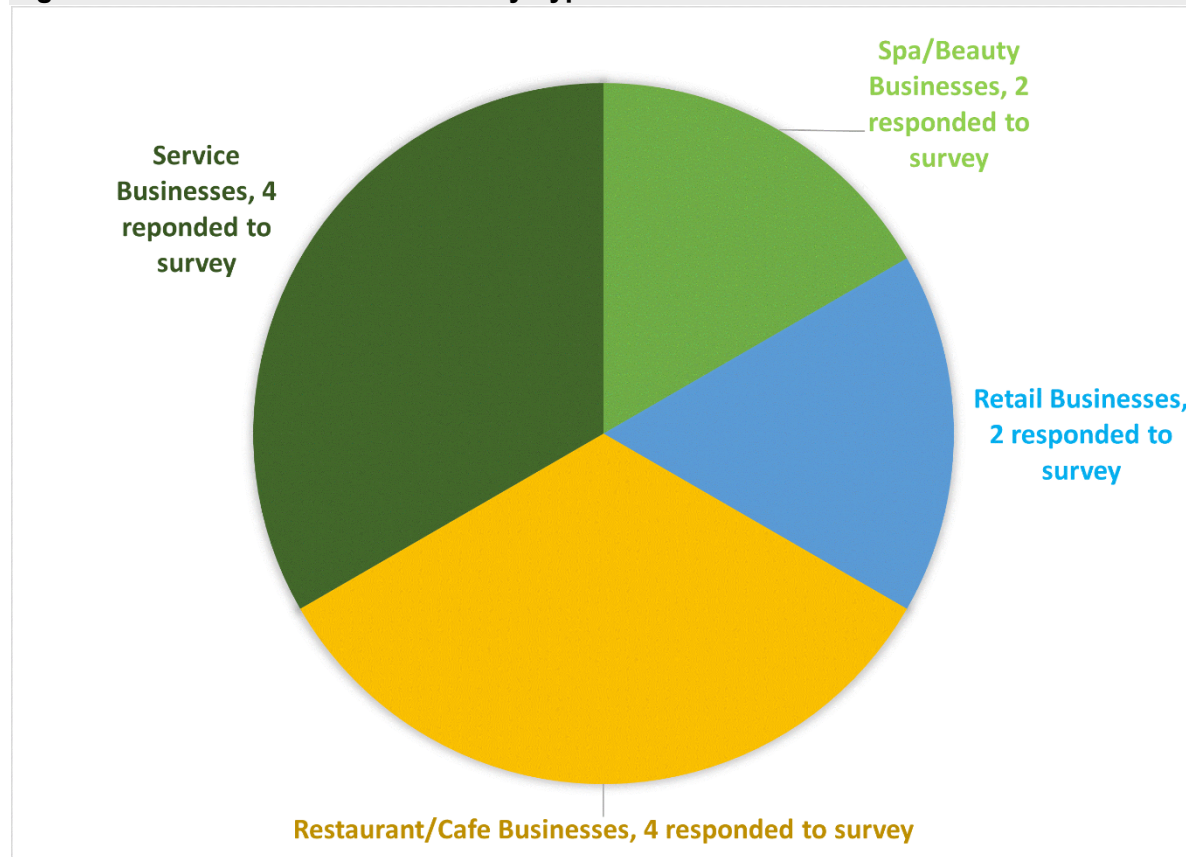


Merchant Feedback

The City solicited participating merchant feedback on the Pinole Perks program in early 2024 via a surveymonkey survey. The City received responses from 12 businesses with four businesses each in the restaurant/cafe and service industries and two businesses each in the spa/beauty and retail industries. See **Figure 3**. Responses were received

from a varied array of businesses, spanning those who received a substantial number of Pinole Perks cards and those who received only a minimal amount.

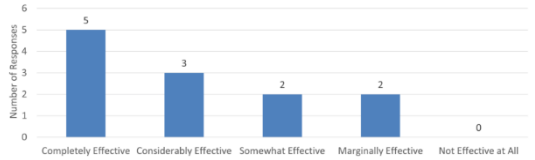
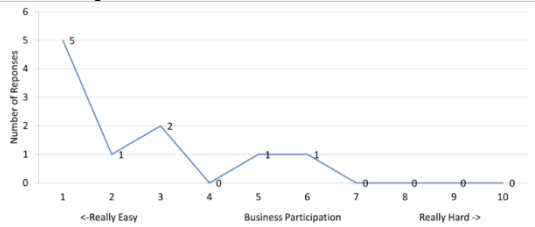
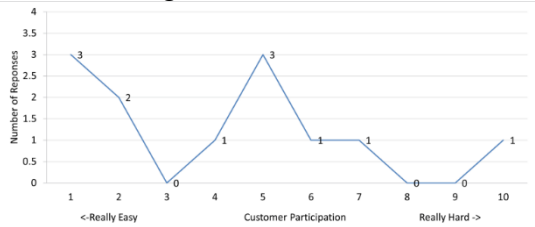
Figure 3: Feedback from Merchants by Type

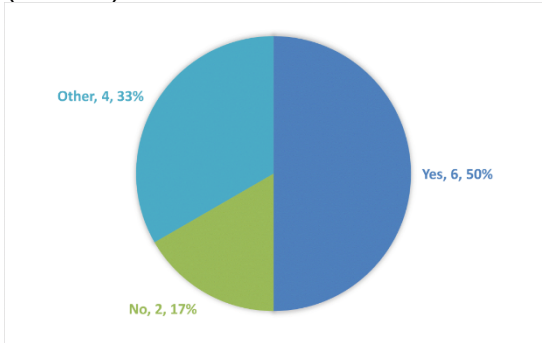
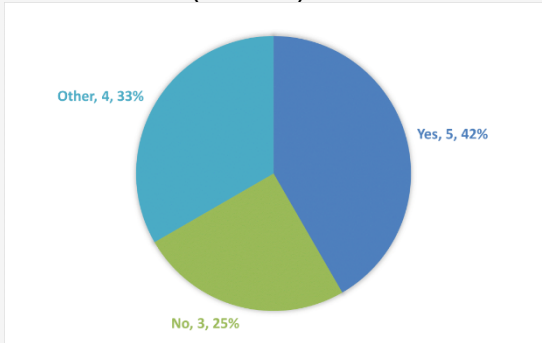


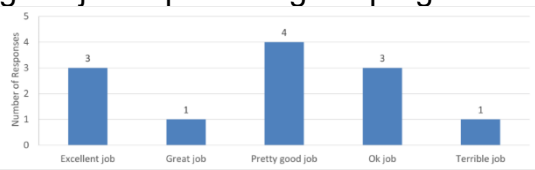
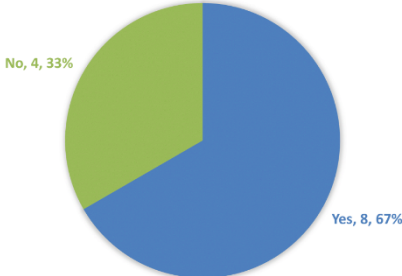
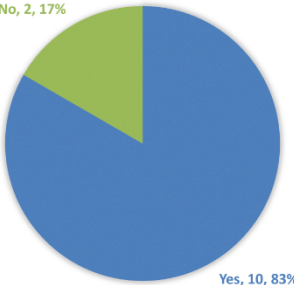
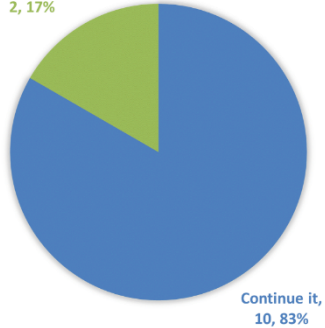
Overall, the feedback received was positive, and demonstrated that the merchants who provided the feedback saw value in the program for their business and the community, and desired for the City to continue funding and supporting the program.

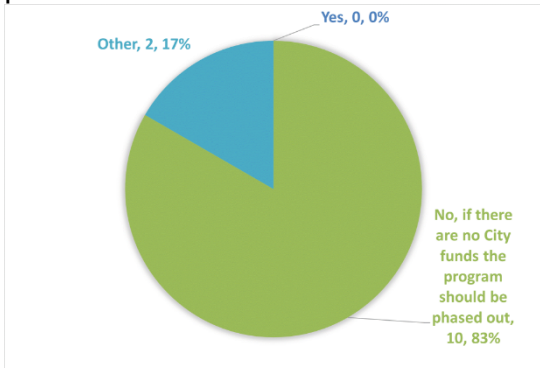
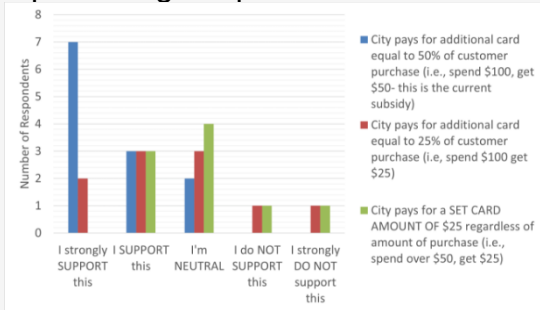
Table 3: Feedback from Participating Merchants

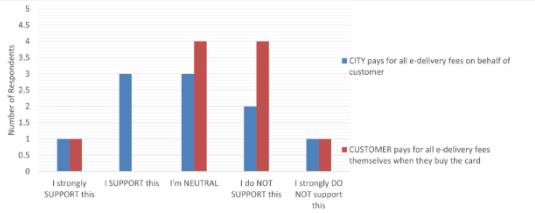
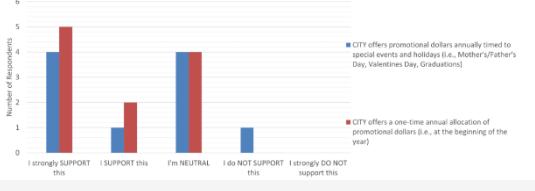
Survey Question	Participating Merchant Feedback												
Do you believe that the City's decision to invest \$100,000 into the Pinole Perks program was worthwhile and beneficial?	Most survey respondents found that the City's investment was worthwhile and beneficial. <table><thead><tr><th>Response</th><th>Count</th><th>Percentage</th></tr></thead><tbody><tr><td>Yes</td><td>10</td><td>83%</td></tr><tr><td>No</td><td>1</td><td>9%</td></tr><tr><td>Other</td><td>1</td><td>8%</td></tr></tbody></table>	Response	Count	Percentage	Yes	10	83%	No	1	9%	Other	1	8%
Response	Count	Percentage											
Yes	10	83%											
No	1	9%											
Other	1	8%											

Let us know how effective (1 - not effective at all; 5 - completely effective) you think the Pinole Perks program was in achieving the City's goal of supporting small independent businesses in Pinole.	Most respondents found that the program was completely or considerably effective in achieving the City's goal of supporting small independent businesses in Pinole.  <table border="1"> <thead> <tr> <th>Effectiveness Level</th> <th>Number of Responses</th> </tr> </thead> <tbody> <tr> <td>Completely Effective</td> <td>5</td> </tr> <tr> <td>Considerably Effective</td> <td>3</td> </tr> <tr> <td>Somewhat Effective</td> <td>2</td> </tr> <tr> <td>Marginally Effective</td> <td>2</td> </tr> <tr> <td>Not Effective at All</td> <td>0</td> </tr> </tbody> </table>	Effectiveness Level	Number of Responses	Completely Effective	5	Considerably Effective	3	Somewhat Effective	2	Marginally Effective	2	Not Effective at All	0										
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On scale of 1-10, where 1 is really easy and 10 is really hard, how did you find YOUR BUSINESS' participation in the Pinole Perks program in terms of your level of effort?	Most survey respondents found that their business's participation in the program to be easy in terms of level of effort.  <table border="1"> <thead> <tr> <th>Level of Effort (1-10)</th> <th>Number of Responses</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>5</td> </tr> <tr> <td>2</td> <td>1</td> </tr> <tr> <td>3</td> <td>2</td> </tr> <tr> <td>4</td> <td>0</td> </tr> <tr> <td>5</td> <td>1</td> </tr> <tr> <td>6</td> <td>1</td> </tr> <tr> <td>7</td> <td>0</td> </tr> <tr> <td>8</td> <td>0</td> </tr> <tr> <td>9</td> <td>0</td> </tr> <tr> <td>10</td> <td>0</td> </tr> </tbody> </table>	Level of Effort (1-10)	Number of Responses	1	5	2	1	3	2	4	0	5	1	6	1	7	0	8	0	9	0	10	0
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10	0																						
On scale of 1-10, where 1 is really easy and 10 is really hard, how do you think YOUR CUSTOMERS found participation in the Pinole Perks program in terms of their level of effort?	Some respondents found that from a customer's perspective the program was challenging, and some did not. About half of respondents indicated that customer's participation was relatively easy, while the other half indicated that their customers had challenges.  <table border="1"> <thead> <tr> <th>Level of Effort (1-10)</th> <th>Number of Responses</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>3</td> </tr> <tr> <td>2</td> <td>2</td> </tr> <tr> <td>3</td> <td>0</td> </tr> <tr> <td>4</td> <td>1</td> </tr> <tr> <td>5</td> <td>3</td> </tr> <tr> <td>6</td> <td>1</td> </tr> <tr> <td>7</td> <td>1</td> </tr> <tr> <td>8</td> <td>0</td> </tr> <tr> <td>9</td> <td>0</td> </tr> <tr> <td>10</td> <td>1</td> </tr> </tbody> </table>	Level of Effort (1-10)	Number of Responses	1	3	2	2	3	0	4	1	5	3	6	1	7	1	8	0	9	0	10	1
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2	2																						
3	0																						
4	1																						
5	3																						
6	1																						
7	1																						
8	0																						
9	0																						
10	1																						
If you could change one thing about the Pinole Perks program to make it better for BUSINESSES what would you change?	Respondents noted the following that would improve the program for businesses (summarized, see full results in Attachment A): • Changes to the operations structure to eliminate a manual card entry by employees • More advertising for the program • Additional funding for the program																						
If you could change one thing about the Pinole Perks program to make it better for CUSTOMERS what would you change?	Respondents noted the following that would improve the program for customers (summarized, see full results in Attachment A):																						

	• Clearer instructions for the less tech savvy customer, including instructions on how to check balances • Move to an app-based program rather than email-based												
What did you like best about the Pinole Perks program?	Respondents noted they liked the following best about the program (summarized, see full results in Attachment A): • Discount for customers • Excited customers • Encouraging shopping local • Creating customer loyalty												
Did the Pinole Perks program introduce new customers to your business?	Half of respondents indicated that the program introduced new customers to their business, where only a few indicated that it did not, and four were unsure ("other")  <table><thead><tr><th>Response</th><th>Count</th><th>Percentage</th></tr></thead><tbody><tr><td>Yes</td><td>6</td><td>50%</td></tr><tr><td>Other</td><td>4</td><td>33%</td></tr><tr><td>No</td><td>2</td><td>17%</td></tr></tbody></table>	Response	Count	Percentage	Yes	6	50%	Other	4	33%	No	2	17%
Response	Count	Percentage											
Yes	6	50%											
Other	4	33%											
No	2	17%											
Did you see repeat business due to the Pinole Perks program?	Five respondents indicated that the program induced repeat business, where three indicated that it did not, and four were unsure ("other").  <table><thead><tr><th>Response</th><th>Count</th><th>Percentage</th></tr></thead><tbody><tr><td>Yes</td><td>5</td><td>42%</td></tr><tr><td>Other</td><td>4</td><td>33%</td></tr><tr><td>No</td><td>3</td><td>25%</td></tr></tbody></table>	Response	Count	Percentage	Yes	5	42%	Other	4	33%	No	3	25%
Response	Count	Percentage											
Yes	5	42%											
Other	4	33%											
No	3	25%											

How well do you think the City did in promoting the Pinole Perks Program?	Respondents mainly felt that the City did a good job in promoting the program.  <table><tr><th>Rating</th><th>Number of Responses</th></tr><tr><td>Excellent job</td><td>3</td></tr><tr><td>Great job</td><td>1</td></tr><tr><td>Pretty good job</td><td>4</td></tr><tr><td>Ok job</td><td>3</td></tr><tr><td>Terrible job</td><td>1</td></tr></table>	Rating	Number of Responses	Excellent job	3	Great job	1	Pretty good job	4	Ok job	3	Terrible job	1
Rating	Number of Responses												
Excellent job	3												
Great job	1												
Pretty good job	4												
Ok job	3												
Terrible job	1												
Did you independently promote the Pinole Perks program to your customers? (follow-up: How did you promote the Pinole Perks program?)	A majority of respondents independently promoted the program to their customers. A variety of strategies were used including social media, word of mouth, flyers and window signs at the business, and through email.  <table><tr><th>Response</th><th>Count</th><th>Percentage</th></tr><tr><td>Yes</td><td>8</td><td>67%</td></tr><tr><td>No</td><td>4</td><td>33%</td></tr></table>	Response	Count	Percentage	Yes	8	67%	No	4	33%			
Response	Count	Percentage											
Yes	8	67%											
No	4	33%											
Overall, did you feel like it was worth it to participate in the Pinole Perks program, and why?	Respondents overwhelmingly felt that it was worth it to participate in the program.  <table><tr><th>Response</th><th>Count</th><th>Percentage</th></tr><tr><td>Yes</td><td>10</td><td>83%</td></tr><tr><td>No</td><td>2</td><td>17%</td></tr></table>	Response	Count	Percentage	Yes	10	83%	No	2	17%			
Response	Count	Percentage											
Yes	10	83%											
No	2	17%											
Would you like to see the Pinole Perks program continue or should the City phase it out?	Similarly, a majority of respondents would like to see the program continue.  <table><tr><th>Response</th><th>Count</th><th>Percentage</th></tr><tr><td>Continue it</td><td>10</td><td>83%</td></tr><tr><td>Phase it out</td><td>2</td><td>17%</td></tr></table>	Response	Count	Percentage	Continue it	10	83%	Phase it out	2	17%			
Response	Count	Percentage											
Continue it	10	83%											
Phase it out	2	17%											
If the City did not provide any promotional	Overwhelmingly, respondents indicated												

funds to encourage customers to buy cards would you still like to see the Pinole Perks program continue?	that they would like to see the program continue if the City provided promotional funds to encourage customers to purchase cards.  <table><caption>Program Continuation Survey Results</caption><tr><th>Response</th><th>Count</th><th>Percentage</th></tr><tr><td>Yes</td><td>0</td><td>0%</td></tr><tr><td>No, if there are no City funds the program should be phased out</td><td>10</td><td>83%</td></tr><tr><td>Other</td><td>2</td><td>17%</td></tr></table>	Response	Count	Percentage	Yes	0	0%	No, if there are no City funds the program should be phased out	10	83%	Other	2	17%												
Response	Count	Percentage																							
Yes	0	0%																							
No, if there are no City funds the program should be phased out	10	83%																							
Other	2	17%																							
If the City decides to continue subsidizing the program, we might consider altering the subsidy structure. At present, the City provides an additional "bonus/promotional" card equivalent to 50% of the customer's purchase (for instance, if you spend \$100, you get \$50). We would like to know your opinion on the following subsidy structure options: • City pays for additional card equal to 50% of customer purchase (i.e., spend \$100, get \$50- this is the current subsidy) • City pays for additional card equal to 25% of customer purchase (i.e., spend \$100 get \$25) • City pays for a SET CARD AMOUNT OF \$25 regardless of amount of purchase (i.e., spend over \$50, get \$25)	When asked about a subsidy structure, a majority of respondents strongly supported a subsidy structure similar to the current program where a customer receives half the value of their purchase amount as a bonus card. When asked about their support for a subsidy structure that offered a quarter of the value of a customer's purchase amount as a bonus card, respondents were more mixed in their support. Respondents were less excited about the City paying for a set card amount regardless of purchase amount, and favored tying the subsidy to a percentage of purchase amount.  <table><caption>Subsidy Structure Support Survey Results</caption><tr><th>Support Level</th><th>City pays for additional card equal to 50% of customer purchase (i.e., spend \$100, get \$50- this is the current subsidy)</th><th>City pays for additional card equal to 25% of customer purchase (i.e., spend \$100 get \$25)</th><th>City pays for a SET CARD AMOUNT OF \$25 regardless of amount of purchase (i.e., spend over \$50, get \$25)</th></tr><tr><td>I strongly support this</td><td>7</td><td>2</td><td>0</td></tr><tr><td>I SUPPORT this</td><td>3</td><td>3</td><td>3</td></tr><tr><td>I'm NEUTRAL</td><td>2</td><td>3</td><td>4</td></tr><tr><td>I do NOT support this</td><td>0</td><td>1</td><td>1</td></tr><tr><td>I strongly DO NOT support this</td><td>0</td><td>0</td><td>1</td></tr></table>	Support Level	City pays for additional card equal to 50% of customer purchase (i.e., spend \$100, get \$50- this is the current subsidy)	City pays for additional card equal to 25% of customer purchase (i.e., spend \$100 get \$25)	City pays for a SET CARD AMOUNT OF \$25 regardless of amount of purchase (i.e., spend over \$50, get \$25)	I strongly support this	7	2	0	I SUPPORT this	3	3	3	I'm NEUTRAL	2	3	4	I do NOT support this	0	1	1	I strongly DO NOT support this	0	0	1
Support Level	City pays for additional card equal to 50% of customer purchase (i.e., spend \$100, get \$50- this is the current subsidy)	City pays for additional card equal to 25% of customer purchase (i.e., spend \$100 get \$25)	City pays for a SET CARD AMOUNT OF \$25 regardless of amount of purchase (i.e., spend over \$50, get \$25)																						
I strongly support this	7	2	0																						
I SUPPORT this	3	3	3																						
I'm NEUTRAL	2	3	4																						
I do NOT support this	0	1	1																						
I strongly DO NOT support this	0	0	1																						
If the City decides to continue subsidizing the program, we might consider altering the e-delivery fee subsidy structure. Presently, the City pays for the e-delivery fee for the customer when the card is purchased. The e-delivery fee is \$1 per card plus 1-5% of the purchase price of the card. Please share your level of support for subsidizing the e-delivery fee:	When asked about who should cover the e-delivery fees, most respondents favored the City covering these fees for the customer rather than placing the burden of additional charges on the customer.																								

• CITY pays for all e-delivery fees on behalf of customer • CUSTOMER pays for all edelivery fees themselves when they buy the card	
If the City continues the program, we are looking at when to release promotional dollars (all at once during the year, or sporadically, centered around special events and holidays). Share your level of support for how the City will release promotional dollars: • CITY offers promotional dollars annually timed to special events and holidays (i.e., Mother's/Father's Day, Valentines Day, Graduations) • CITY offers a one-time annual allocation of promotional dollars (i.e., at the beginning of the year)	Respondents were mixed on when the City should release promotional dollars- either sporadically, centered around special events and holidays, or at one time annually. 
What kinds of programs would you like to see from the City in the future to support business and economic development?	Respondents provided the following feedback in terms of the types of programs they would like to see from the City in the future to support business and economic development: • Facility improvements such as grant or construction loans. • More brick and mortar perks. • Grants and funds. • A business round table might be helpful-ask businesses what they need. For us, it is parking and any reduction in fees proportionate to business size. • Maybe promote small business Saturday or a separate small business. promotion day. • More events downtown.

Best Practices

Staff consulted with the City's community gift card vendor, Yiftee, to review Pinole Perks data and in turn, provide some additional recommendations on program improvement.

- The vendor recommends four tranches of funding annually, once per quarter to keep the program top of mind, rather than one annual release of funds. They also recommend positioning it as a program that is always available even without bonuses for gifting, not just for self-purchase because of the bonus - so community members can utilize the cards for birthday gifts, valentine gifts, teacher gifts, essential worker gifts, anniversary gifts, employee rewards, etc.
- The vendor noted that the Pinole Perks program has been very successful with 50% bonuses. They recommend that the City offer a 25% bonus for the next round of funding, with a minimum purchase of \$50. This would allow the City a higher leverage on limited funds.
- The vendor suggested that the City limit the number of bonus cards that could be purchased by a single customer. Currently the City offers a maximum of five bonus cards, which is generous. For a smaller budget, and to distribute the cards more equitably, the vendor suggested that a customer be limited to two bonus cards during any promotional period.
- The vendor suggested the City consider an enterprise program for schools, hospitals, corporate buyers, non-profits. An enterprise program could offer a lower bonus percentage (20%) that would be a bonus to the card recipients or could go to the purchasing organization. Ideally those programs would also be more than a one-time purchase as they build the Perks card into their year-round employee rewards programs.

To establish a budget, the vendor offered the following scenarios (**Table 4**) assuming a recommended restructuring to a 25% bonus offer and a typical purchase amount of \$100 per customer:

Table 4: Budget Options for Annual Pinole Perks Funding						
Total Annual Program Budget	Number of Bonus Cards	Value of Bonus Funds	E-Delivery Fees	Value of Purchased Cards	Benefit to Merchants	Return on City Investment
\$10,000	312	\$7,800	\$2,184	\$31,200	\$39,000	4x
\$20,000	625	\$15,625	\$4,275	\$62,500	\$78,125	4x
\$30,000	938	\$23,450	\$6,566	\$93,800	\$93,800	4x
*Assumes a 25% bonus offer and a typical purchase amount of \$100 per customer.						

One of the more significant challenges with the program reported by merchants was the vendor's current platform, and the requirement for merchants to manually key the Pinole Perks card into the system. The Yiftee CEO has indicated that by this summer the vendor will be rolling out tap-to-pay from customer's digital wallets, so that employees don't need to manually enter the information and lead to more streamlined use and service. This should greatly improve the user experience on both the customer and business side.

FISCAL IMPACT

Staff recommends that for the FY23/24 and FY24/25 funding for the Pinole Perks program be allocated from the following reserves, which are refreshed annually at \$10,000 each:

- Business Development/Community Help Reserve (\$10,000)
- Revitalization Reserve (\$10,000)

Staff recommends the Council allocate \$5,000 from the Business Development/Community Help Reserve for the Pinole Perks program for the remainder of FY23/24 and \$20,000 for the entirety of FY24/25 from the Business Development/Community Help Reserve and Revitalization Reserve. Therefore, the fiscal impact of this action would be \$25,000 through June 30, 2025.

ATTACHMENTS

A. Pinole Perks Merchant Survey

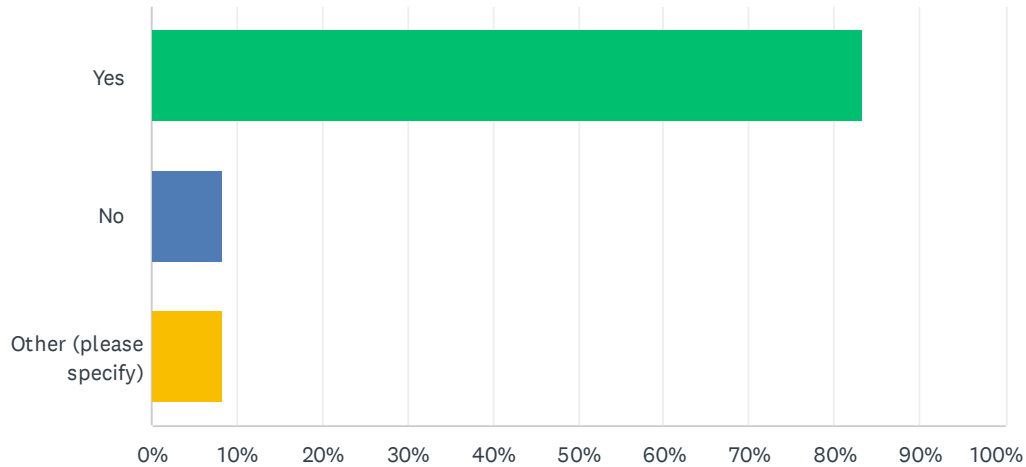
Q1 Please provide your business name:

Answered: 12 Skipped: 0

[illegible]

Q2 Do you believe that the City's decision to invest \$100,000 into the Pinole Perks program was worthwhile and beneficial?

Answered: 12 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	83.33%	10
No	8.33%	1
Other (please specify)	8.33%	1
TOTAL		12

#	OTHER (PLEASE SPECIFY)	DATE
1	appreciate reasons to go that route, difficult to use.	2/1/2024 1:03 PM

Q3 Let us know how effective (1 star- not effective at all; 5 stars- completely effective) you think the Pinole Perks program was in achieving the City's goal of supporting small independent businesses in Pinole.

Answered: 12 Skipped: 0

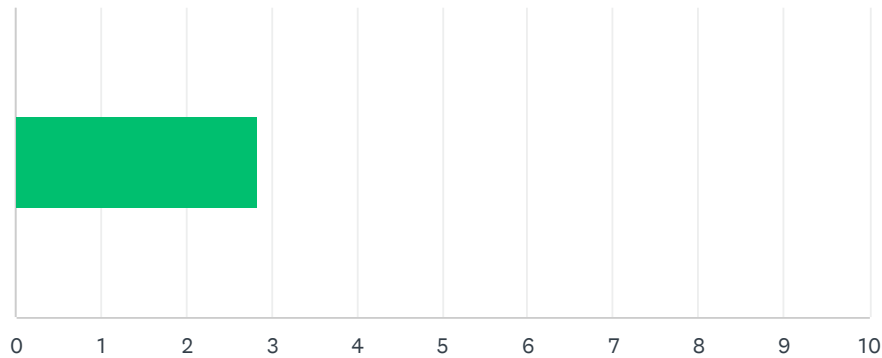
3.9★
average rating



	NOT EFFECTIVE AT ALL	MARGINALLY EFFECTIVE	SOMEWHAT EFFECTIVE	CONSIDERABLY EFFECTIVE	COMPLETELY EFFECTIVE	TOTAL	WEIGHTED AVERAGE
☆	0.00% 0	16.67% 2	16.67% 2	25.00% 3	41.67% 5	12	3.92

Q4 On scale of 1-10, where 1 is really easy and 10 is really hard, how did you find YOUR BUSINESS' participation in the Pinole Perks program in terms of your level of effort?

Answered: 12 Skipped: 0

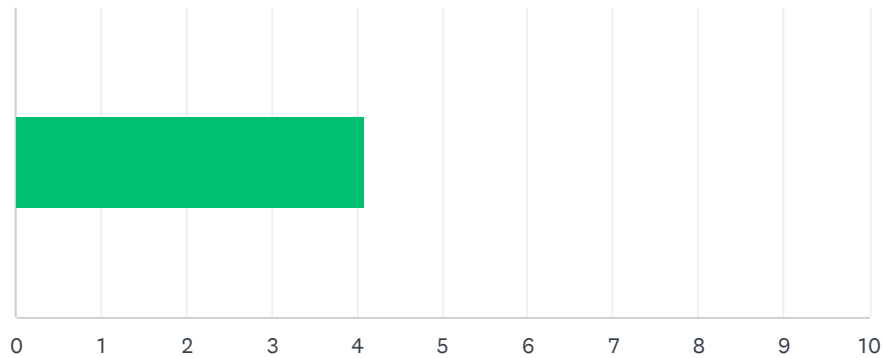


ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	3	34	12
Total Respondents: 12			

#		DATE
1	1	2/29/2024 10:41 AM
2	10	2/29/2024 3:19 AM
3	1	2/28/2024 2:58 PM
4	0	2/12/2024 1:52 PM
5	1	2/12/2024 1:51 PM
6	2	2/3/2024 2:54 PM
7	5	2/1/2024 2:22 PM
8	6	2/1/2024 1:04 PM
9	1	1/30/2024 4:10 PM
10	1	1/29/2024 4:11 PM
11	3	1/29/2024 1:26 PM
12	3	1/29/2024 12:25 PM

Q5 On scale of 1-10, where 1 is really easy and 10 is really hard, how do you think YOUR CUSTOMERS found participation in the Pinole Perks program in terms of their level of effort?

Answered: 12 Skipped: 0



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	4	49	12
Total Respondents: 12			

#		DATE
1	1	2/29/2024 10:41 AM
2	10	2/29/2024 3:19 AM
3	1	2/28/2024 2:58 PM
4	5	2/12/2024 1:52 PM
5	4	2/12/2024 1:51 PM
6	2	2/3/2024 2:54 PM
7	5	2/1/2024 2:22 PM
8	6	2/1/2024 1:04 PM
9	5	1/30/2024 4:10 PM
10	1	1/29/2024 4:11 PM
11	2	1/29/2024 1:26 PM
12	7	1/29/2024 12:25 PM

Q6 If you could change one thing about the Pinole Perks program to make it better for BUSINESSES what would you change?

Answered: 10 Skipped: 2

#	RESPONSES	DATE
1	THE PROGRAM IS PERFECT.	2/29/2024 10:41 AM
2	Different operations structure	2/29/2024 3:19 AM
3	Process an actual card so the business doesn't pay higher fees.	2/28/2024 2:58 PM
4	Set more fund to help small business	2/12/2024 1:52 PM
5	Show more signs in downtown Pinole and have a special event for the residents to come and see all the merchants who are in the program.	2/12/2024 1:51 PM
6	make the process of recieving the money quicker and easier	2/1/2024 2:22 PM
7	no manual entry	2/1/2024 1:04 PM
8	Make it easier for customers to check their balances	1/30/2024 4:10 PM
9	None	1/29/2024 4:11 PM
10	Yifftee Website	1/29/2024 12:25 PM

Q7 If you could change one thing about the Pinole Perks program to make it better for CUSTOMERS what would you change?

Answered: 10 Skipped: 2

#	RESPONSES	DATE
1	NOTHING	2/29/2024 10:41 AM
2	All on one gift card	2/29/2024 3:19 AM
3	I thought it worked fone	2/28/2024 2:58 PM
4	Make the customer more comfortable	2/12/2024 1:52 PM
5	It seemed to be hard for older people to follow the program.	2/12/2024 1:51 PM
6	Have it app based more than email based. It would make it easier to bring the spendable amount forward to the merchant	2/1/2024 2:22 PM
7	no manual entry	2/1/2024 1:04 PM
8	Easier to check balances	1/30/2024 4:10 PM
9	None	1/29/2024 4:11 PM
10	Yifftee website	1/29/2024 12:25 PM

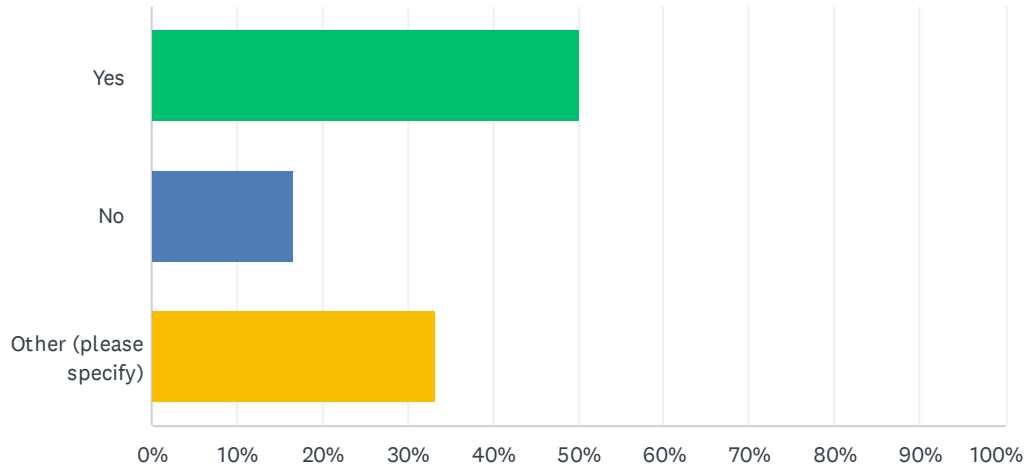
Q8 What did you like best about the Pinole Perks program?

Answered: 11 Skipped: 1

#	RESPONSES	DATE
1	THAT OUR CLIENT'S LOVE THE PROGRAM & THEY ARE WAITING FOR PINOLE PERKU TO CAMBACK.	2/29/2024 10:41 AM
2	Buy one get one 50% off	2/29/2024 3:19 AM
3	The customers were excited about using their investment:)	2/28/2024 2:58 PM
4	A little help	2/12/2024 1:52 PM
5	City camaraderie	2/12/2024 1:51 PM
6	It encouraged people to spend their monies locally for good value.	2/1/2024 2:22 PM
7	matching funds	2/1/2024 1:04 PM
8	Another form of payment to offer customers	1/30/2024 4:10 PM
9	It creates customer loyalty to the business	1/29/2024 4:11 PM
10	Saving customer money, encouraging local transactions	1/29/2024 1:26 PM
11	Discount for customers	1/29/2024 12:25 PM

Q9 Did the Pinole Perks program introduce new customers to your business?

Answered: 12 Skipped: 0

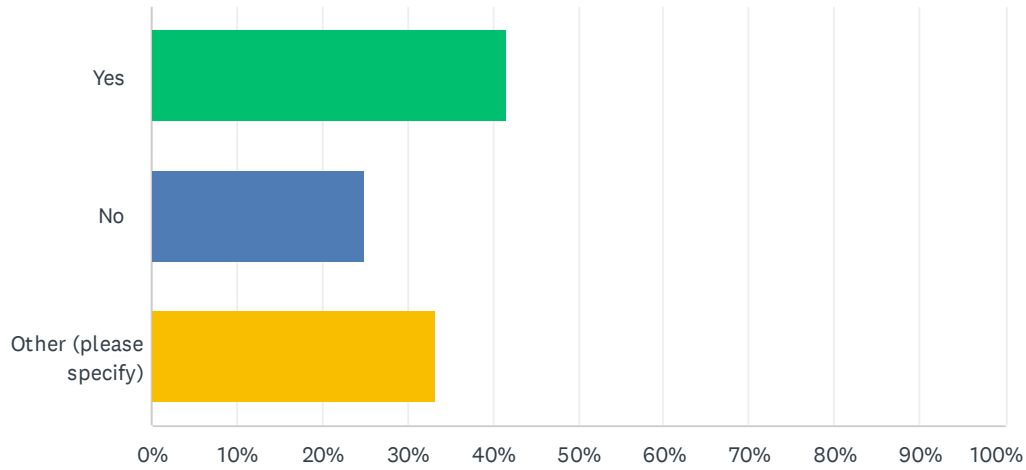


ANSWER CHOICES	RESPONSES
Yes	50.00% 6
No	16.67% 2
Other (please specify)	33.33% 4
TOTAL	12

#	OTHER (PLEASE SPECIFY)	DATE
1	Not aure	2/28/2024 2:58 PM
2	unknown	2/1/2024 2:22 PM
3	not sure	2/1/2024 1:04 PM
4	Not sure	1/29/2024 12:26 PM

Q10 Did you see repeat business due to the Pinole Perks program?

Answered: 12 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	41.67%	5
No	25.00%	3
Other (please specify)	33.33%	4
TOTAL		12

#	OTHER (PLEASE SPECIFY)	DATE
1	I did	2/28/2024 2:58 PM
2	unknown	2/1/2024 2:22 PM
3	minimal use makes it hard to tell	2/1/2024 1:04 PM
4	Only customers who already frequented our store before the program	1/30/2024 4:11 PM

Q11 How well do you think the City did in promoting the Pinole Perks Program

Answered: 12 Skipped: 0

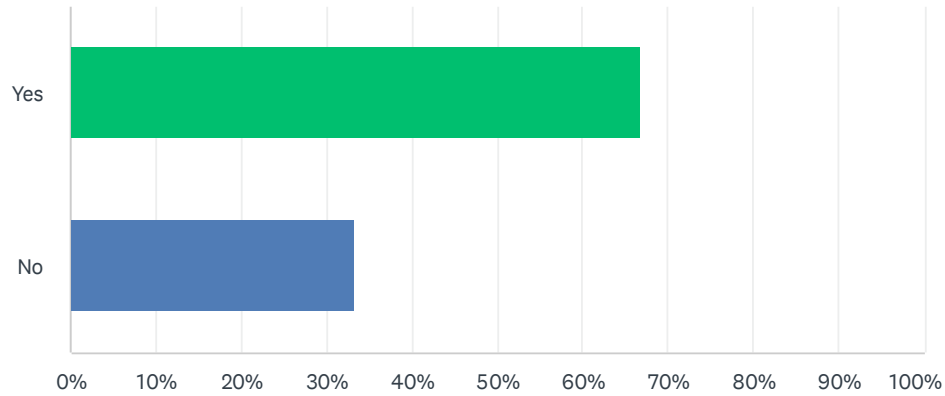
3.2★
average rating



	TERRIBLE JOB	OK JOB	PRETTY GOOD JOB	GREAT JOB	EXCELLENT JOB	TOTAL	WEIGHTED AVERAGE
☆	8.33%	25.00%	33.33%	8.33%	25.00%	12	3.17
	1	3	4	1	3		

Q12 Did you independently promote the Pinole Perks program to your customers?

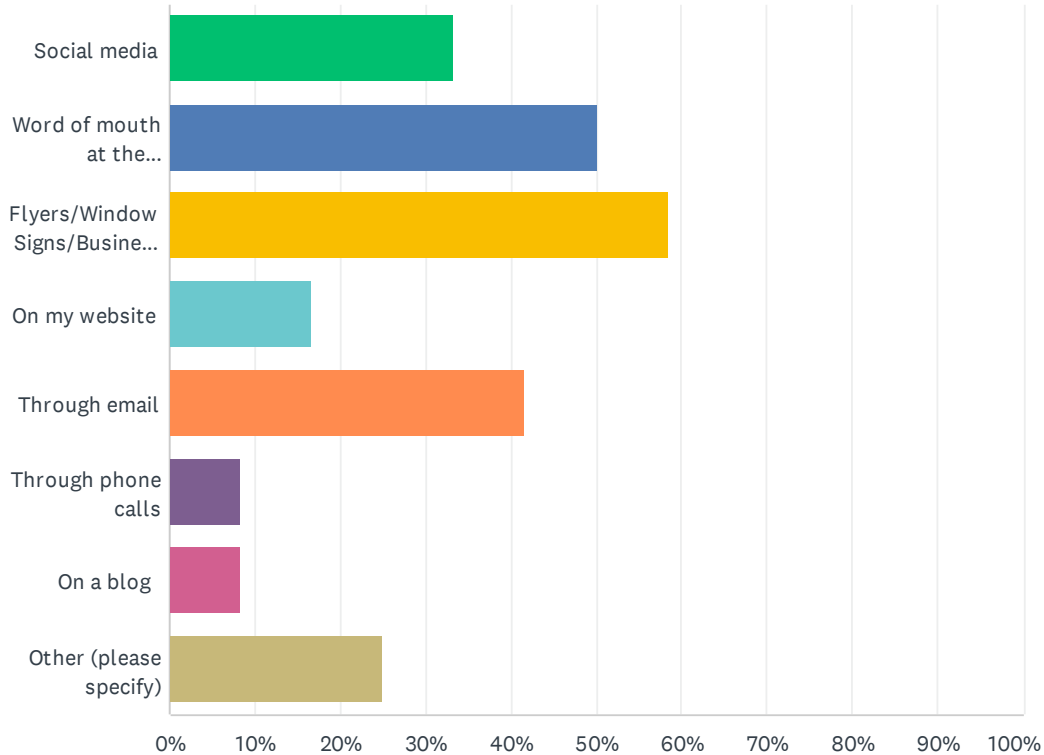
Answered: 12 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	66.67%	8
No	33.33%	4
TOTAL		12

Q13 How did you promote the Pinole Perks program? (Select all that apply)

Answered: 12 Skipped: 0



ANSWER CHOICES	RESPONSES	
Social media	33.33%	4
Word of mouth at the point-of-sale (in-store)	50.00%	6
Flyers/Window Signs/Business Cards at my business	58.33%	7
On my website	16.67%	2
Through email	41.67%	5
Through phone calls	8.33%	1
On a blog	8.33%	1
Other (please specify)	25.00%	3
Total Respondents: 12		

#	OTHER (PLEASE SPECIFY)	DATE
1	BY TEXT MESSAGE.	2/29/2024 10:45 AM
2	window sign	2/3/2024 2:55 PM
3	n/a	2/1/2024 1:04 PM

Q14 Overall, did you feel like it was worth it to participate in the Pinole Perks program, and why?

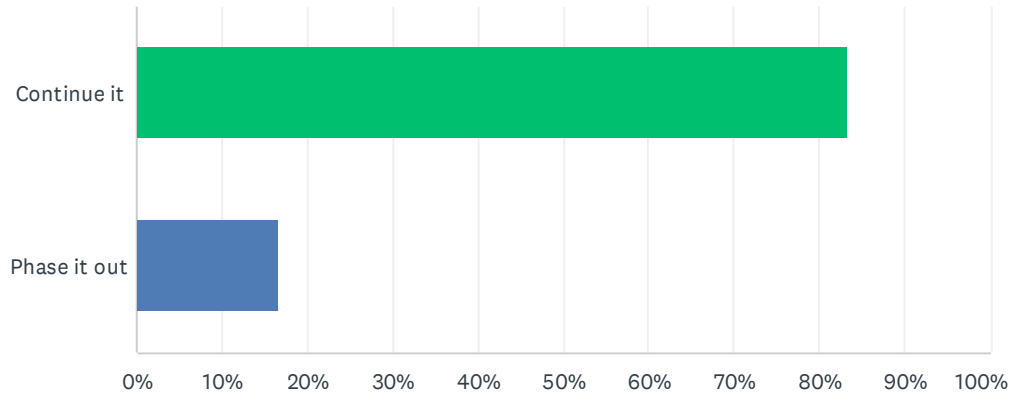
Answered: 12 Skipped: 0

ANSWER CHOICES	RESPONSES	
Yes (please let us know why it was worth it to you as a business):	83.33%	10
No (please let us know why it wasn't worth it to you as a business):	33.33%	4

#	YES (PLEASE LET US KNOW WHY IT WAS WORTH IT TO YOU AS A BUSINESS):	DATE
1	1,000000 % YES YES YES WE HAVE MORE CLIENTS	2/29/2024 10:48 AM
2	Yes it helps our clients	2/29/2024 3:20 AM
3	Yes	2/28/2024 2:59 PM
4	Bring some business	2/12/2024 1:54 PM
5	customers got extra value to their purchase	2/3/2024 2:56 PM
6	I believe because of the value it encouraged people to shop locally	2/1/2024 2:23 PM
7	It was free	1/30/2024 4:12 PM
8	Yes	1/29/2024 4:13 PM
9	Increased sales	1/29/2024 1:28 PM
10	Customers enjoyed discount	1/29/2024 12:27 PM
#	NO (PLEASE LET US KNOW WHY IT WASN'T WORTH IT TO YOU AS A BUSINESS):	DATE
1	I only recieved one person who was already a member of my gym.	2/12/2024 1:52 PM
2	up front investment seems exorbitant	2/1/2024 1:06 PM
3	No reason	1/30/2024 4:12 PM
4	The website is awful and many customers gave up because they were not able to complete the transactions	1/29/2024 12:27 PM

Q15 Would you like to see the Pinole Perks program continue or should the City phase it out?

Answered: 12 Skipped: 0



ANSWER CHOICES	RESPONSES	
Continue it	83.33%	10
Phase it out	16.67%	2
TOTAL		12

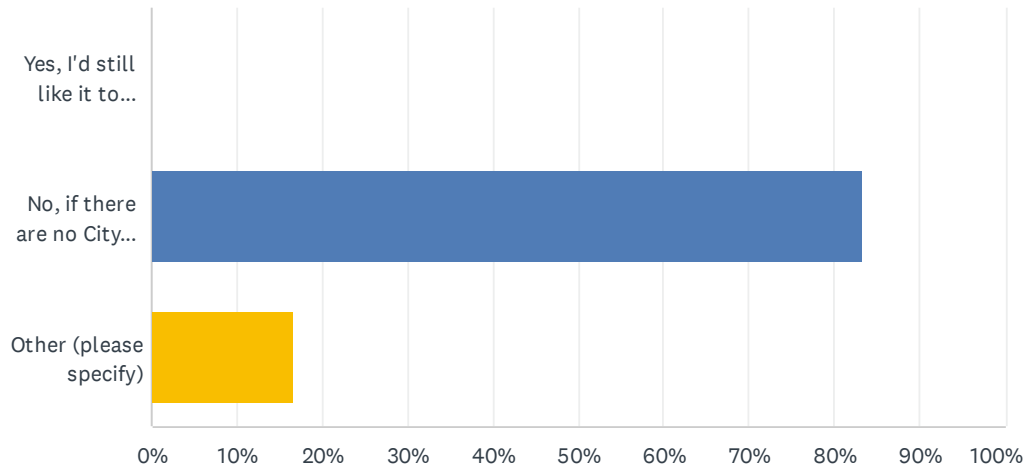
Q16 Can you let us know why you think the program should be phased out?

Answered: 2 Skipped: 10

#	RESPONSES	DATE
1	I don't know if many residents knew about the program.	2/12/2024 1:59 PM
2	we feel like it is up to the city to decide--that choice wasn't offered	2/1/2024 1:10 PM

Q17 If the City did not provide any promotional funds to encourage customers to buy cards would you still like to see the Pinole Perks program continue?

Answered: 12 Skipped: 0



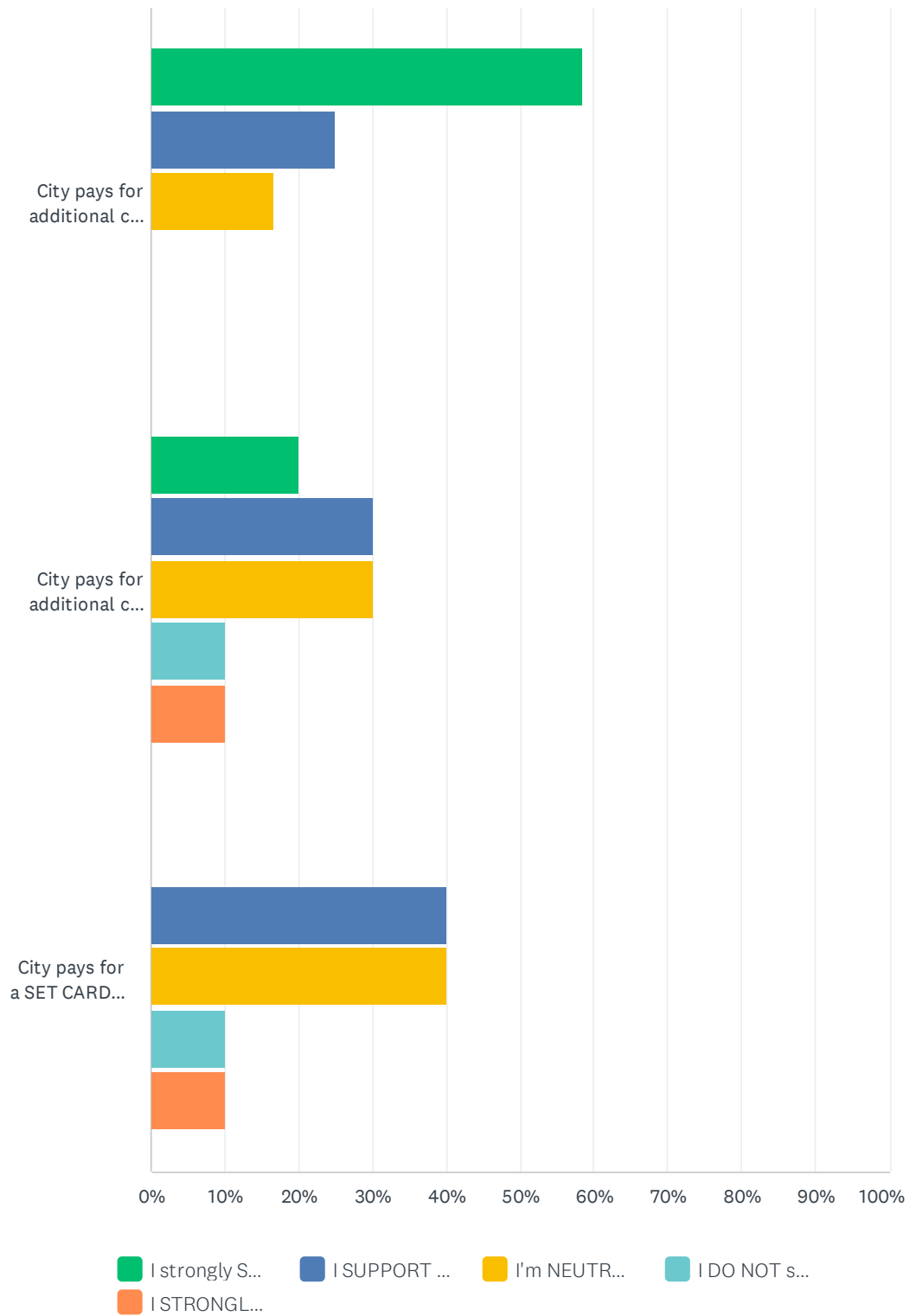
ANSWER CHOICES	RESPONSES	
Yes, I'd still like it to continue, even without City funds	0.00%	0
No, if there are no City funds the program should be phased out	83.33%	10
Other (please specify)	16.67%	2
TOTAL		12

#	OTHER (PLEASE SPECIFY)	DATE
1	Whatever is best.	2/28/2024 3:01 PM
2	if the city determines benefit, fine--for us as a business, it was a negligible initiative. we do appreciate all the effort that went into the project!	2/1/2024 1:10 PM

Q18 If the City decides to continue subsidizing the program, we might consider altering the subsidy structure. At present, the City provides an additional "bonus/promotional" card equivalent to 50% of the customer's purchase (for instance, if you spend \$100, you get \$50). We would like to know your opinion on the following subsidy structure options:

Answered: 12 Skipped: 0

Pinole Perks - Program Evaluation for Business Participants!

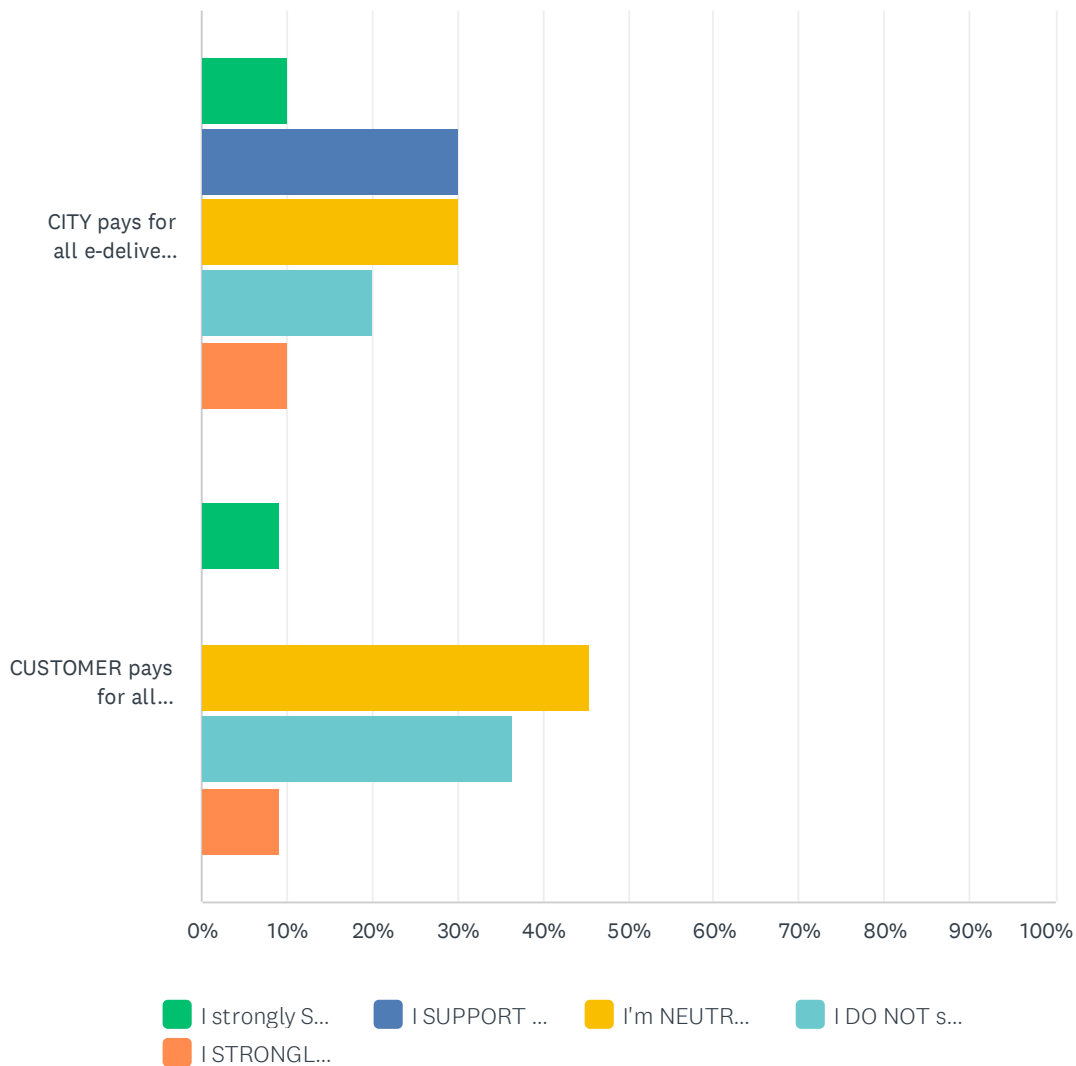


Pinole Perks - Program Evaluation for Business Participants!

	I STRONGLY SUPPORT THIS	I SUPPORT THIS	I'M NEUTRAL	I DO NOT SUPPORT THIS	I STRONGLY DO NOT SUPPORT THIS	TOTAL	WEIGHTED AVERAGE
City pays for additional card equal to 50% of customer purchase (i.e., spend \$100, get \$50- this is the current subsidy)	58.33% 7	25.00% 3	16.67% 2	0.00% 0	0.00% 0	12	1.58
City pays for additional card equal to 25% of customer purchase (i.e., spend \$100 get \$25)	20.00% 2	30.00% 3	30.00% 3	10.00% 1	10.00% 1	10	2.60
City pays for a SET CARD AMOUNT OF \$25 regardless of amount of purchase (i.e., spend over \$50, get \$25)	0.00% 0	40.00% 4	40.00% 4	10.00% 1	10.00% 1	10	2.90

Q19 If the City decides to continue subsidizing the program, we might consider altering the e-delivery fee subsidy structure. Presently, the City pays for the e-delivery fee for the customer when the card is purchased. The e-delivery fee is \$1 per card plus 1-5% of the purchase price of the card. Please share your level of support for subsidizing the e-delivery fee:

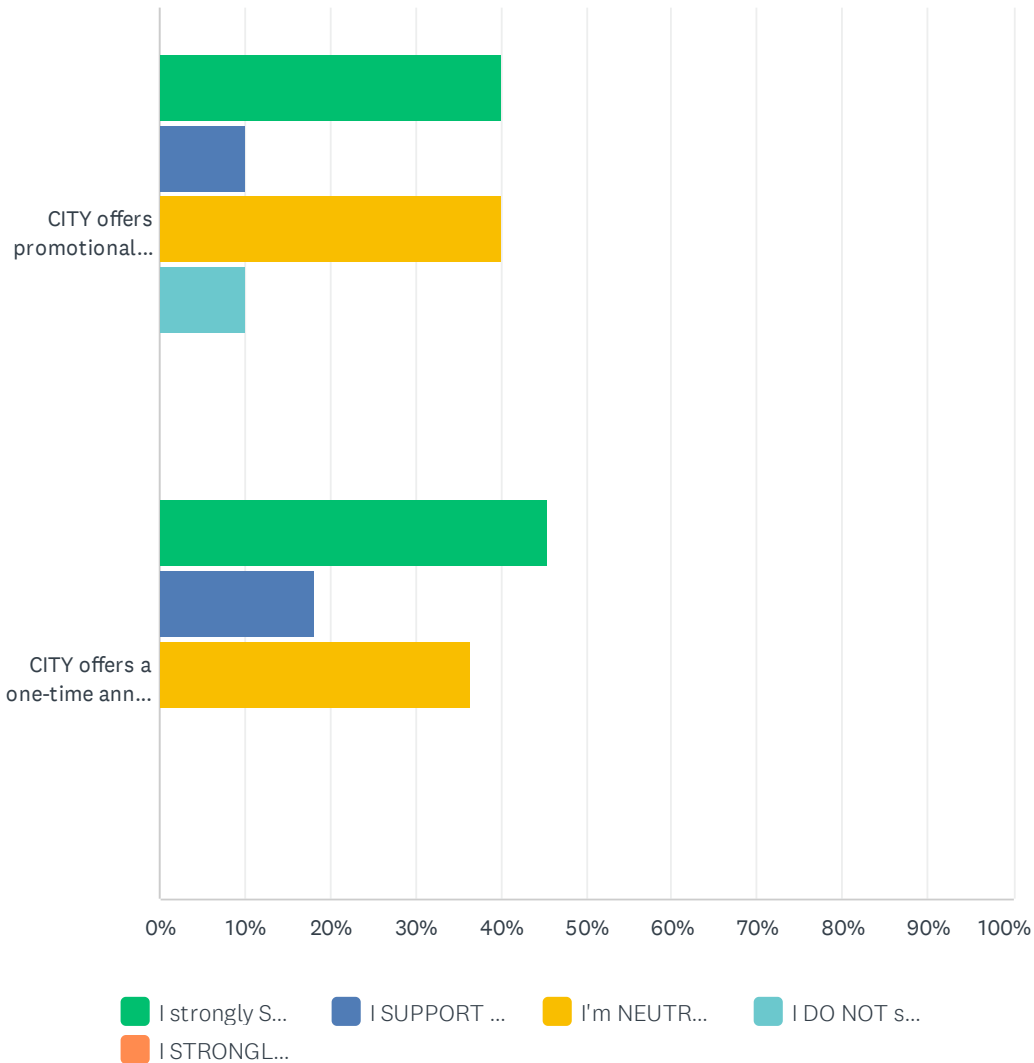
Answered: 11 Skipped: 1



	I STRONGLY SUPPORT THIS	I SUPPORT THIS	I'M NEUTRAL	I DO NOT SUPPORT THIS	I STRONGLY DO NOT SUPPORT THIS	TOTAL	WEIGHTED AVERAGE
CITY pays for all e-delivery fees on behalf of customer	10.00% 1	30.00% 3	30.00% 3	20.00% 2	10.00% 1	10	2.90
CUSTOMER pays for all e-delivery fees themselves when they buy the card	9.09% 1	0.00% 0	45.45% 5	36.36% 4	9.09% 1	11	3.36

Q20 If the City continues the program, we are looking at when to release promotional dollars (all at once during the year, or sporadically, centered around special events and holidays). Share your level of support for how the City will release promotional dollars:

Answered: 11 Skipped: 1



	I STRONGLY SUPPORT THIS	I SUPPORT THIS	I'M NEUTRAL	I DO NOT SUPPORT THIS	I STRONGLY DO NOT SUPPORT THIS	TOTAL	WEIGHTED AVERAGE
CITY offers promotional dollars annually timed to special events and holidays (i.e., Mother's/Father's Day, Valentines Day, Graduations)	40.00% 4	10.00% 1	40.00% 4	10.00% 1	0.00% 0	10	2.20
CITY offers a one-time annual allocation of promotional dollars (i.e., at the beginning of the year)	45.45% 5	18.18% 2	36.36% 4	0.00% 0	0.00% 0	11	1.91

Q21 What kinds of programs would you like to see from the City in the future to support business and economic development?

Answered: 6 Skipped: 6

#	RESPONSES	DATE
1	Facility improvements such as grant or construction loans	2/29/2024 11:18 AM
2	More brick and mortar perks. We are the vested interest paying taxes employing locals on a daily basis. That should be protected. Like Martinez\$	2/28/2024 3:01 PM
3	Grant and fund	2/12/2024 1:55 PM
4	a business round table might be helpful--ask businesses what they need. for us, it is parking and any reduction in fees proportionate to business size.	2/1/2024 1:10 PM
5	Maybe promote small business Saturday or a separate small business promotion day.	1/30/2024 4:14 PM
6	More events downtown	1/29/2024 12:29 PM

Q22 Please let us know if you have any other feedback on the Pinole Perks Program. Thank you!!

Answered: 4 Skipped: 8

#	RESPONSES	DATE
1	So far, Pinole Perks definitely greatly boosted the local businesses and created opportunity for many new customers to try and support the businesses in Pinole	2/29/2024 11:18 AM
2	None	2/12/2024 1:55 PM
3	appreciate the effort--the upfront costs are too high in our estimation and technology integration is archaic.	2/1/2024 1:10 PM
4	Please make the Yifftee website more user friendly. I understand it is an outside company but I feel more people would participate if this change was made.	1/29/2024 12:29 PM



CITY COUNCIL REPORT

9.E.

DATE: APRIL 2, 2024
TO: MAYOR AND COUNCIL MEMBERS
FROM: STACY SHELL, HUMAN RESOURCES DIRECTOR
SUBJECT: CITY CLERK CONTRACT AMENDMENT

RECOMMENDATION

It is recommended that the Pinole City Council approve an amendment to the employment agreement for Heather Bell as City Clerk to provide a four percent (4%) merit increase and one percent (1%) longevity incentive pay.

BACKGROUND

In March 2019, the City Council appointed Ms. Bell to the position of City Clerk. On March 6, 2019, Ms. Bell and Mayor Murray signed an employment agreement and Ms. Bell commenced her duties as City Clerk on March 6, 2019. The City Council and Ms. Bell have entered into employment agreement amendments to provide cost of living adjustments, merit increases, market rate adjustments, term extensions, and benefit enhancements.

On March 5, 2024, the City Council met with Ms. Bell in closed session to conduct an annual evaluation of her work performance. On March 19, 2024, the City Council met with Ms. Bell in closed session to negotiate the terms of Ms. Bell's employment agreement. Upon the conclusion of closed session, the City Council provided direction to staff to prepare an amendment to Ms. Bell's employment agreement to provide a four percent (4%) merit increase and one percent (1%) longevity incentive pay.

REVIEW AND ANALYSIS

The City of Pinole Municipal Code (PMC), Title II, Administration and Personnel, Chapter 2.05, Office of the City Clerk, Section 2.05.010, Office Created, provides the City Council with the authority to establish the office of the City Clerk and appoint a City Clerk on the basis of their administrative and executive abilities and qualifications and hold office for and during the pleasure of the City Council (City of Pinole Ordinance No. Ord. 2004-13, Section 1, 2004).

In accordance with PMC, Title II, Chapter 2.05, Section 2.04.030, Compensation and Review, no less frequently than once each year, the City Council shall meet to conduct a review and evaluation of the City Clerk and shall from time to time determine compensation, as reflected in an employment agreement between the City Clerk and the City.

The City Clerk's employment agreement was made and entered into by and between

the City Council and Ms. Bell on March 6, 2019. The City Council and Ms. Bell have entered into employment agreement amendments to provide cost of living adjustments, merit increases, market rate adjustments, term extensions, and benefit enhancements.

At this time, the City Council desires to provide a four percent (4%) merit increase and one percent (1%) longevity incentive pay as codified in Exhibit A of the Resolution attached to this City Council report.

FISCAL IMPACT

If approved, the employment agreement amendment will result in increased payroll cost of \$8,571. Funding for this increase is already included in the adopted budget for Fiscal Year 2023/2024.

ATTACHMENTS

- A. Resolution
- B. Amendment #1-2024 Bell - Exhibit A

RESOLUTION NO. 2024-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, APPROVING AN AMENDMENT TO THE EMPLOYMENT AGREEMENT FOR THE CITY CLERK

WHEREAS, the City Council and Heather Bell entered into an Employment Agreement (“Agreement”) for the position of City Clerk on March 6, 2019; and

WHEREAS, Ms. Bell commenced her duties as City Clerk on March 6, 2019; and

WHEREAS, the City Council and Ms. Bell have entered into employment agreement amendments to provide cost of living adjustments, merit increases, market rate adjustments, term extensions, and benefit enhancements; and

WHEREAS, on March 5, 2024, the City Council met with Ms. Bell in closed session to conduct an evaluation of her performance; and

WHEREAS, on March 19, 2024, the City Council met with Ms. Bell in closed session to negotiate the terms of Ms. Bell’s employment agreement; and

WHEREAS, upon the conclusion of closed session, City Council provided direction to staff to prepare an amendment to the Agreement to provide a four percent (4%) merit increase and one percent (1%) longevity incentive pay as codified in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Pinole does hereby approve an amendment to extend the term of the Agreement hereunto attached as Exhibit A and authorize the Mayor to execute the said amendment.

PASSED AND ADOPTED at a regular meeting of the Pinole City Council held on the 2nd day of April 2024 by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

I, hereby certify that the foregoing resolution was regularly introduced, passed, and adopted on this 2nd day of April 2024.

Heather Bell
City Clerk

**AMENDMENT #1-2024 TO THE AGREEMENT FOR EMPLOYMENT OF
HEATHER BELL**

This Amendment #1-2024 to the Agreement for the Employment of Heather Bell (the "Amendment") is made and entered into as of _____ by and between the City of Pinole (the "City"), a California general law city, and Heather Bell, an individual ("BELL" or "Employee").

RECITALS

WHEREAS, the City and Employee previously entered into that certain Agreement for the Employment of Heather Bell effective as of March 6, 2019 (the "Agreement"); and

WHEREAS, the City and Employee have previously entered into multiple amendments to the Agreement; and

WHEREAS, the City Council performed an evaluation of Employee on March 5, 2024 and thereafter began negotiating changes to the Agreement; and

WHEREAS, the City Council desires to provide employee with a four percent (4%) merit increase; and

WHEREAS, the City Council desires to provide employee with one percent (1%) longevity incentive pay; and

WHEREAS, the City and Employee now wish to amend the Agreement as specified herein.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the City and BELL agree as follows:

1. Compensation. Section 6(a), Compensation, of the Agreement is hereby amended in its entirety to read as follows:

"a. BELL shall be paid an annual base salary of \$178,268.01, or \$14,855.6677 per month, less all applicable federal, state, and local withholding. BELL shall be considered for a merit increase annually in conjunction with the completion of her performance evaluation, as outlined in paragraph 11. Merit increases shall subject to the City's ability to pay for a salary adjustment."

2. Effective Date. This Amendment shall be effective the pay period commencing March 6, 2024.

3. Effect. Except as expressly provided for herein, all other terms and conditions of the Agreement, as previously amended, shall remain in full force and effect.

EMPLOYEE

Heather Bell

DATED:

CITY

Maureen Toms, Mayor

DATED:

ATTEST:

APPROVED AS TO FORM:

Stacy R. Shell
Human Resources Director

Eric S. Casher
City Attorney



CITY COUNCIL REPORT

9.F.

DATE: APRIL 2, 2024
TO: MAYOR AND COUNCIL MEMBERS
FROM: LILLY WHALEN, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: MEMORANDUM OF UNDERSTANDING (MOU) WITH MARIN CLEAN ENERGY (MCE) FOR DEPARTMENT OF ENERGY (DOE) GRID RESILIENCE AND INNOVATION PARTNERSHIPS (GRIP) GRANT APPLICATION

RECOMMENDATION

Adopt a Resolution authorizing the Interim City Manager to Sign a Memorandum of Understanding (MOU) with MCE for the Department of Energy's (DOE) Grid Resilience and Innovation Partnerships (GRIP) Grant Application

BACKGROUND

MCE is applying for the Department of Energy's (DOE) Grid Resilience and Innovation Partnerships (GRIP) grant program to expand their Virtual Power Plant (VPP) capabilities within the City of Pinole and other member communities. DOE's GRIP grant program is designed to encourage innovative solutions for enhancing grid resilience and integrating clean energy technologies at the community level. A VPP is a bidirectional energy source. It provides electricity to the grid, and, when there are market opportunities, it can also receive energy. However, instead of being sited in one place like a physical power plant, a VPP harnesses energy resources that are distributed across an entire participating community. By coordinating these devices, VPPs can quickly supply power to the grid, take power from the grid, or lower energy consumption during critical times to reduce grid-strain. With enough smart-homes, a utility can reduce costs and pass savings on to customers in the form of direct payment, credits, or reduced rates, saving people money while supporting efficient and grid-smart energy usage. [Learn more about MCE's current pilot VPP in Richmond](#), and [watch a two-minute video about VPPs](#).

MCE staff invited their member communities, including the City of Pinole, to learn about their application for the GRIP grant on March 26, 2024. Municipalities interested in supporting this application were asked to show their support with a signature on the MOU. Staff has reviewed this MOU and agrees that MCE's initiative to expand the VPP to all eligible communities, including in Pinole, presents a significant opportunity to advance our energy and environmental goals. MCE will provide a brief presentation about the VPP and the GRIP grant program during the Presentation section at the April 2, 2024 Council meeting.

REVIEW AND ANALYSIS

This item seeks City Council approval of a Resolution (**Attachment A**) directing the Interim City Manager to sign a Memorandum of Understanding (MOU) (**Attachment B**) with MCE in support of their application for the Department of Energy's (DOE) Grid Resilience and Innovation Partnerships (GRIP) grant program. The MOU outlines a collaborative effort to expand their Virtual Power Plant (VPP) capabilities within the City of Pinole, aligning with the city's goals for sustainable energy management and grid resilience.

Importantly, the MOU does not require any financial commitment from the City but will necessitate a

nominal allocation of staff time to provide guidance on the project's local implementation.

The specific commitments of MCE and the City are described in Section III (Statement of Mutual Benefit and Interest) of the MOU. The key points include:

- Collaboration Outline: Learning about MCE's grant application and, upon successful award, the expansion of the VPP within the City of Pinole.
- Staff Involvement: City staff will offer guidance to ensure the project aligns with local energy policies. This involvement is crucial for tailoring the VPP's deployment to Pinole's specific needs and opportunities.
- No Financial Obligation: The MOU explicitly states that the city is not committing to any financial contributions. The primary request will be staff time for coordination and planning efforts.
- Mutual Benefits: This partnership promises several benefits for Pinole, including enhanced grid resilience, greater integration of renewable energy sources, and positioning the city as a leader in sustainable energy innovation.

FISCAL IMPACT

There are no direct financial commitments required by signing the MOU. Staff time involved can be included within existing budget allocations for Sustainability Fellow work through SEI Climate Corps contracts.

ATTACHMENTS

- A. Resolution
- B. Exhibit A: MOU - MCE/PINOLE for DOE GRIP

RESOLUTION NO. 2024-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE
AUTHORIZING THE INTERIM CITY MANAGER TO SIGN A MEMORANDUM OF
UNDERSTANDING WITH MARIN CLEAN ENERGY IN SUPPORT OF MCE'S
APPLICATION TO THE DOE'S GRIP GRANT PROGRAM**

WHEREAS, the City of Pinole is a member community of Marin Clean Energy (MCE); and

WHEREAS, MCE desires to submit an application to the Department of Energy's (DOE) Grid Resilience and Innovation Partnerships (GRIP) Grant program to expand their Virtual Power Plant (VPP) capabilities within their member cities, including the City of Pinole, aligning with the city's goals for sustainable energy; and

WHEREAS, MCE staff invited their member communities, including the City of Pinole, to learn about their application for the GRIP grant and municipalities interested in supporting the application were asked to show their support with a signature on a Memorandum of Understanding (MOU); and

WHEREAS, the specific commitments of MCE and the City are described in Section III (Statement of Mutual Benefit and Interest) of the MOU, and the MOU does not require any financial commitment from the City but will necessitate a nominal allocation of staff time to provide guidance on the project's local implementation; and

WHEREAS, MCE's initiative to expand the VPP to all eligible communities, including in Pinole, presents several benefits for Pinole, including enhanced grid resilience, greater integration of renewable energy sources, and positioning the city as a leader in sustainable energy innovation.

Now, therefore, the City Council of the City of Pinole resolves that the Interim City Manager is hereby authorized and directed to execute the MOU, incorporated herein as **Exhibit A**.

PASSED AND ADOPTED at a regular meeting of the City Council of Pinole held on the 2nd day of April, 2024 by the following vote count:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

I, hereby certify that the foregoing resolution was regularly introduced, passed, and adopted on this 2nd day of April, 2024

Heather Bell, CMC
City Clerk

MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN
MCE AND [PARTNERS]
DEPARTMENT OF ENERGY (DOE) GRIP GRANT - MUNICIPAL SUPPORT
APRIL 17, 2024

Commented [LW1]: MCE to complete once all partners identified

This Memorandum of Understanding (MOU) establishes a partnership between MCE and the following municipalities: [Municipality Names], collectively referred to as "Partners."

Commented [LW2]: MCE to complete once all partners identified

I. BACKGROUND: MCE and Partners are public agencies that serve communities in the California Bay Area. MCE is a local not-for-profit public agency and the default electric generation provider for Partner jurisdictions. MCE offers a collaborative and community-centric approach to energy procurement, allowing communities to source and manage their own energy portfolio with an emphasis on renewable energy. This model aligns with the DOE's Grid Resilience and Innovation Partnerships (DOE GRIP Grant) objectives to advance grid modernization, increase the grid's ability to withstand adverse events, and promote energy conservation through technological innovation. GRIP aligns with the objectives of MCE and Partners, which share a commitment to advancing renewable energy, grid modernization, and community resilience.

II. PURPOSE: MCE is applying to the DOE's GRIP Grant - DE-FOA-0003195. The MCE proposal is focused on expanding its Virtual Power Plant (VPP) from the pilot City of Richmond to MCE communities throughout Marin, Napa, Contra Costa, and Solano Counties. This MOU establishes a framework for cooperation between MCE and Partners to apply for these funds and significantly increase the collective ability to manage energy demand, integrate clean and flexible energy supply, and enhance regional grid resilience. To further the Justice40 Initiative,¹ the following municipalities serve customers on the low-income discount electric rates and census tracts identified by CalEnviroScreen as being Disadvantaged Communities (DACs):

Municipality	# low-income customers on discount electric rate (Min. 15)	# DAC Census Tracts

Commented [3]: MCE to fill out this chart once signatories are identified

III. STATEMENT OF MUTUAL BENEFIT AND INTEREST: The Parties have separate missions for

¹ WH.GOV "Justice40 A Whole-Of-Government Initiative: Environmental Justice.
<https://www.whitehouse.gov/environmentaljustice/justice40/> Accessed March 26, 2024.

which they are committed; however, each party's individual mission hinges together with shared responsibility and aligned interest:

1. Enhanced Energy Resilience: Parties acknowledge the mutual benefit of increasing energy resilience within the region. An expanded VPP will enable more robust demand response capabilities and flexible energy management, reducing vulnerability to grid disruptions and enhancing community safety and economic stability.
2. Accelerated Clean Energy Adoption: Expanding the VPP aligns with the Parties' shared interest in accelerating the transition to cleaner energy. This collaboration supports our goal of reducing greenhouse gas emissions and fostering a healthy environment.
3. Economic Development and Job Creation: DOE GRIP Grant funding will stimulate local economic development and create new jobs in clean energy. This aligns with the Parties' interest in fostering economic growth, improving the livelihoods of community members, and supporting the development of a skilled workforce in sustainable industries.
4. Innovation in Grid Modernization: By pooling expertise to expand the VPP, the Parties position themselves as leaders in grid modernization and demonstrate a commitment to adopting cutting-edge technologies to ensure a reliable, and efficient energy system.

To achieve these mutual benefits:

- A. MCE, as the Applicant, will:
 - a. Implement the DOE GRIP Funding proposal by expanding the VPP to the full service area, project managing the installations necessary for a coordinated regional project.
 - b. Engage Partners when the time is appropriate to expand the VPP to their communities, receiving inputs about core critical facilities to prioritize.
 - c. Implement the proposed Community Benefit Plan in collaboration with Partners, including investing in local workforce, advancing diversity, equity, inclusion, accessibility, and contributing to the Justice40 Initiative. This includes:
 - i. decreasing energy burden through local load shifting;
 - ii. decreasing environmental burden by reducing need for peaker plants and diesel generators;
 - iii. increasing access to low-cost capital through their low-to-no interest loans for select DERs;
 - iv. increasing high-quality jobs, the clean energy job pipeline, and job training through the massive installation jobs that are needed to accomplish this expansion;
 - v. increasing clean energy business by attracting competition and business to our communities;
 - vi. increasing energy democracy since MCE is a public agency;
 - vii. increasing clean energy technology access through VPP expanded access to VPP; and
 - viii. increasing resilience by promoting the installation of new battery storage.

- d. As needed, provide updates to Partners and key staff stakeholders of Partner.
 - e. Gather Partner feedback to integrate into an ongoing knowledge transfer document for final report to the DOE.
- B. Partner, as a Participating Municipality, will:
- a. Receive information on the VPP expansion and share with relevant stakeholders;
 - b. Guide MCE staff on individual community dynamics that could improve program outreach (ie, suggested languages or key community leaders to engage);
 - c. Identify critical facilities within Partners' communities that could benefit from load flexibility and/or resiliency, possibly introducing the MCE project team to the site's decision maker;
 - d. (if applicable) Support staff in understanding any unique features to the Partner's permitting department;
 - e. Continue to have a representative on the MCE's Board of Directors, as per the MCE Joint Powers Authority foundational documents, to support meaningful community engagement.

Parties agree that it is to their mutual benefit to work together to achieve this proposal. Parties agree to be direct and proactive with each other in raising any concerns related to this MOU. Parties are aware of the total amount being requested: \$50M in DOE GRIP Grant funds; \$50M in MCE Match funds.

IV. TERMS OF UNDERSTANDING: If awarded to MCE, the Parties agree to collaborate in the DOE GRIP Grant, sharing relevant data about critical facilities, and agree to support the planning and implementation phases of the VPP expansion. This MOU serves as a foundation for MCE and Partners' shared vision and collective effort to build a more resilient, sustainable, and prosperous future through innovative energy solutions.

This MOU will be considered effective upon the date of the last signature below and until eight (8) years after MCE receives the financial award from the DOE GRIP Grant and may be extended upon written mutual agreement. Either Party may terminate this MOU upon thirty (30) days written notice without penalties or liabilities.

V. NO RECOURSE AGAINST CONSTITUENT MEMBERS OF MCE: MCE is organized as a Joint Powers Authority in accordance with the Joint Exercise of Powers Act of the State of California (Government Code Section 6500, et seq.) pursuant to the Joint Powers Agreement and is a public entity separate from its constituent members. MCE shall solely be responsible for all debts, obligations and liabilities accruing and arising out of this MOU. Partner shall have no rights and shall not make any claims, take any actions or assert any remedies against any of MCE's constituent members in connection with this MOU.

VI. AUTHORIZATION: This MOU is entered into voluntarily and does not constitute a legal obligation. No financial obligations are established under this MOU. Each Party acknowledges that they have read, understood, and agree to collaborate per the terms of this MOU. We, the undersigned, as authorized representatives of MCE and Partners do hereby approve of this MOU.

/s/ __ Vicken Kasarjian____ COO, MCE	/s/ __ Name____ Title Municipality	/s/ __ Name____ Title Municipality	/s/ __ Name____ Title Municipality
/s/ __ Name____ Title Municipality	/s/ __ Name____ Title Municipality	/s/ __ Name____ Title Municipality	/s/ __ Name____ Title Municipality

DRAFT



CITY COUNCIL REPORT

10.A.

DATE: APRIL 2, 2024
TO: MAYOR AND COUNCIL MEMBERS
FROM: ERIC CASHER, CITY ATTORNEY
LILLY WHALEN, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: URGENCY ORDINANCE ENACTING A TEMPORARY MORATORIUM ON
THE ESTABLISHMENT OF NEW SERVICE STATIONS OR EXPANSION OF
EXISTING SERVICE STATIONS

RECOMMENDATION

Staff recommends that the City Council adopt an urgency ordinance enacting a temporary moratorium on the establishment of new service stations or expansion of existing service stations

BACKGROUND

Human-induced climate change is already affecting many weather and climate extremes in every region across the globe. The significant risks to the public health, safety, and welfare caused by climate change are too numerous to mention, but include air pollution, extreme weather events, increased food insecurity, and rising sea levels.

One main contributor to climate change is the transportation industry. Highway vehicles release about 1.5 billion tons of greenhouse gases (GHGs) into the atmosphere each year—mostly in the form of carbon dioxide (CO₂)—contributing to global climate change. Each gallon of gasoline burned creates 20 pounds of GHG. Fossil-fuel based transportation remains the largest contributor of GHG emissions and criteria pollutant emissions in California. Reducing GHG emissions to improve environmental and human health will require a massive transition away from internal combustion engines to zero-emission vehicles.

Government agencies at the federal, state, and local levels have all set priorities to shift consumers toward electric vehicles over traditional gasoline-powered vehicles. For example, the Biden Administration, in 2021, published a 2035 goal of 50% of all new passenger cars and light trucks sold to be zero-emission vehicles. At the state level, Governor Newsom issued Executive Order N-79-20, establishing a goal of all new vehicles sold to be zero-emission by 2035. In 2022, the California Air Resources Board approved the Advanced Clean Cars II rule in order to implement the 2035 goal.

Cities in the Bay Area have begun to create policies encouraging electric vehicle use as well. Some cities, including but not limited to, Santa Rosa, Windsor, American Canyon, and Petaluma, have banned new service stations (gas stations) within their city limits through amending their zoning codes.

The Pinole Zoning Code, Title 17 of the Municipal Code, defines “service stations” as “a retail business selling gasoline or other motor vehicle fuels.” Service stations are not a permitted use in any Zoning District in Pinole. However, service stations are conditionally permitted (with the issuance of a conditional use permit) in the following Zoning Districts:

1. OIMU in the Service Sub-Area in the San Pablo Avenue Corridor.
2. OPMU in the Service Sub-Area in the Appian Way Corridor.
3. CMU in the Mixed Use Sub-Area in the Appian Way Corridor.
4. RC Zoning District.

Chapter 17.34 of the City’s Zoning Code contains various regulations related to service stations (commonly referred to as gas stations), such as location requirements as well as development and design standards. There are currently eight (8) existing service stations in Pinole, including one undergoing reconstruction.

At the July 18, 2023 City Council meeting, the City Council directed staff to present information regarding enacting such a ban in the City of Pinole. Information regarding the option for prohibiting new gas stations was considered at the February 6, 2024 City Council meeting. The City Council directed staff to prepare an urgency ordinance enacting a moratorium on new service stations and include development of a permanent ordinance as an action in the Climate Action and Adaptation Plan (CAAP).

REVIEW AND ANALYSIS

California Government Code Section 65858 authorizes the City Council to adopt, as an urgency measure to preserve the public peace, health, and safety, a zoning moratorium prohibiting any uses that may be in conflict with a contemplated zoning proposal that the City Council is considering or studying.

The proposed urgency ordinance, if adopted, would enact a moratorium on the establishment of new service stations anywhere in the City of Pinole. The proposed ordinance would make service stations already existing in the City a legal nonconforming use, which allows existing service stations to continue operating. The ordinance would prohibit the expansion of existing service stations, as well as accessory buildings on the same site, such as convenience stores. The ordinance would generally allow repairs and maintenance of existing service stations as long as they did not result in an expansion of the existing use. Additionally, the owner of an existing service station would lose the status as a legal nonconforming use if the station ceased to sell or dispense fossil fuel for a period of 180 days or more.

Importantly, the proposed ordinance will not impact the ability of an existing service station to expand, modify or retrofit their facilities if such renovation supports a transition towards serving zero-emission vehicles. Existing Pinole Municipal Code Section 17.34.060 allows for the incorporation of biodiesel or other alternative fuels or charging stations for electric vehicles via simple administrative plan check procedures, which the proposed ordinance acknowledges.

The purpose of the moratorium is to give the City time to study and enact permanent changes to the Zoning Code prohibiting service stations as part of the City’s efforts to

facilitate the transition to zero-emissions vehicles and combat the effects of climate change. The permanent ordinance could incorporate more nuance and comprehensive regulations. For example, the proposed moratorium temporarily prohibits any expansion of existing services stations, including accessory buildings on the same site, such as a car wash or convenience store. The permanent regulations can address under what circumstances such expansions unrelated to the main fueling use is allowed. The permanent regulations might allow such expansions in exchange for other changes that facilitate the transition to zero emission vehicles, such as the addition of EV-charging stations. The moratorium gives the City time to study and evaluate these important details.

There are many public health and environmental impacts associated with service stations, such as toxic air pollution, surface water runoff, and leaks from underground fuel storage tanks. Two main goals of the Pinole General Plan are to promote sustainability, and to improve air quality through efforts to reduce vehicle emissions. Banning the development of new service stations in the City would align with these goals. Accordingly, the moratorium is consistent with the City's General Plan.

Other public agencies must generally comply with the City's Zoning Ordinances, except in limited circumstances. However, the County is generally exempt from the City's Zoning Ordinance. This also applies to joint powers authorities of which the County is a member, such as the Western Contra Costa Transit Authority ("WestCAT"). Accordingly, this moratorium would not prohibit the County or WestCAT from establishing new service stations in Pinole.

If adopted by a four-fifths (4/5) vote of the City Council, the proposed urgency ordinance will go into effect immediately and be in effect for 45 days. The Council could then renew the ordinance for a total combined period of time of up to two years. The proposed ordinance includes findings supporting the determination that the moratorium is necessary to protect public peace, health, and safety.

Development of the permanent ordinance will be included as action in the Climate Action and Adaptation Plan (CAAP), with a development and adoption timeline to not exceed the total combined period of time for renewal of the urgency ordinance. The public review draft of the CAAP will be presented to the City Council on April 16, 2024, with adoption of the CAAP at a subsequent Council meeting in May or June, or as directed by the Council.

FISCAL IMPACT

There is no direct fiscal impact of adopting the moratorium. The moratorium will not prevent existing service stations from continuing to operate, nor the ability of the City to collect sales tax. As part of studying and developing a permanent ordinance prohibiting service stations, staff will analyze long term fiscal impacts of that change.

ATTACHMENTS

- A. Urgency Ordinance Service Station Ban
- B. Service Station Moratorium PPT

**AN URGENCY ORDINANCE OF THE CITY OF PINOLE
MAKING FINDINGS AND ESTABLISHING A TEMPORARY
MORATORIUM ON THE ESTABLISHMENT OF
NEW SERVICE STATIONS AND THE EXPANSION OF EXISTING SERVICE
STATIONS**

WHEREAS, national, state, and local governmental authorities are responding to the increasing negative effects of burning fossil fuels and the increasing impacts of climate change generally; and

WHEREAS, the significant risks to the public health, safety, and welfare caused by climate change are too numerous to mention, but include air pollution, extreme weather events, increased food insecurity, and rising sea levels; and

WHEREAS, even with efforts to transition to zero-emission vehicles at the state-level, many local residents will continue to be affected by poor air quality associated with fossil fuel-burning vehicles; and

WHEREAS, burning fossil fuels, such as in gasoline-powered vehicles, negatively impacts local residents by causing a variety of health concerns, such as asthma and other respiratory illnesses; and

WHEREAS, burning fossil fuels also negatively affects children's ability to play outside during school due to restricted activity days due to poor air quality; and

WHEREAS, the City of Pinole has an overriding interest in planning and regulating the use of property within the City and maintaining the quality of life; and

WHEREAS, the Zoning Code currently contains various permits and allowable uses relating to service stations, which are defined as "retail businesses selling gasoline or other motor vehicle fuels"; and

WHEREAS, because fossil-fuel based transportation remains the largest contributor of greenhouse gas emissions and criteria pollutant emissions in California, reducing greenhouse gas emissions to improve environmental and human health will require a massive transition away from internal combustion engines to zero emission vehicles ("ZEVs"); and

WHEREAS, to aid in reducing severe negative public health impacts that residents are experiencing, and will continue to experience, due to the use of fossil fuels, the City desires to ban the development of new service stations, prohibit the expansion of existing service stations, and encourage the use of ZEVs; and

WHEREAS, on September 23, 2020, the Governor of California signed Executive Order N-79- 20, initiating a phase-out of gas-powered vehicles and setting a target for all new passenger cars and trucks sold in California to be ZEVs by the year 2035; and

WHEREAS, on August 5, 2021, President Biden signed Executive Order 14037, Strengthening American Leadership in Clean Cars and Trucks, setting a goal that 50% of all new passenger cars and light trucks sold in the United States be ZEVs by the year 2030; and

WHEREAS, the establishment of new service stations or the expansion of existing service stations will adversely affect the ability to meet the City, State, and Federal Government's climate and emission reduction goals; and

WHEREAS, the failure of the City, State and Federal Governments to meet their respect climate and emission reductions goals will have a significant negative impact on the fight against climate change, and will result in a threats to public health, safety, and welfare, such as an increase in extreme weather events and rising sea levels; and

WHEREAS, the City Council desires to enact permanent regulations regarding service stations within the City which account for the transition to ZEVs and the ongoing fight against climate change; and

WHEREAS, the permanent regulation will establish rules regarding how and when existing service stations can modify; and

WHEREAS, it is urgent and essential to the public health, safety, and welfare to immediately prohibit for a limited time the issuance of building, zoning, occupancy, and all other permits and licenses for the establishment and expansion of services stations to provide time to study the issue so that appropriate permanent land use controls can be developed; and

WHEREAS, the City Council expressly finds and declares that this Ordinance is necessary for protecting the public safety, health, and welfare, and urgent action is needed for the City to study and consider: (1) the potential negative effects of service stations on public health, welfare and safety, as detailed herein; (2) the zoning and economic development impacts of services stations; and (3) appropriate controls for service station for the protection of public health, safety, and welfare, and to facilitate the transition to ZEVs; and

WHEREAS, California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances to protect the public health, safety, and general welfare of their citizens; and

WHEREAS, California Government Code Section 65858 authorizes the City Council to adopt as an urgency measure to preserve the public peace, health, and safety a zoning moratorium, prohibiting any uses that may be in conflict with a contemplated zoning proposal that the legislative body is considering or studying; and

WHEREAS, the City Council finds and determines that the approval of additional entitlements related to service stations in the City would result in a threat to public health and welfare, and that temporarily banning the development of new service stations and the expansion of existing service stations within the City is essential so that the City has time to consider permanent regulations that enable the City to combat the effects of climate change and improve air quality in the City and thereby serve the public peace, health, and safety; and

WHEREAS, the City Council finds that as existing Pinole Municipal Code Section 17.34.060 incentivizes the expansion, modification, or retrofit of an existing service station to incorporate biodiesel or other alternative fuels or charging stations for electric vehicles through simple administrative plan check procedures, and it is the intent of the urgency ordinance to encourage such an expansion, modification or retrofit to transition away from fossil fuels; and

WHEREAS, an urgency ordinance that is effective immediately is necessary to avoid the immediate threat to public peace, health, and safety, as failure to adopt this urgency ordinance could result in new services stations in Pinole, or expansion of existing service stations, which will cause an escalation of effects of climate change and worsening of health effects associated with fossil fuel use; and

WHEREAS, this Ordinance is exempt from further environmental review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3), the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment; the proposed Ordinance does not authorize or approve any use or project, but rather prohibits the temporary establishment of new service stations, and expansion of existing service stations, and preserves the status quo, and therefore has no potential for resulting in physical change in the environment, directly or indirectly.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PINOLE, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings

The City Council of the City of Pinole finds that all of the above Recitals are true and correct and incorporated herein by this reference.

SECTION 2. Urgency Findings

The City Council of the City of Pinole hereby finds that there is a threat to the public health, safety and/or welfare and a need for immediate preservation of the public peace, health, or safety that warrants this urgency ordinance, which finding is based upon the facts stated in the recitals above, and in the staff report dated April 2, 2024, as well as oral and written testimony at the April 2, City Council meeting. This Ordinance is declared by the City Council to be an urgency measure necessary for the protection of the public peace, health, or safety. The facts constituting such urgency are all of those certain facts set forth and referenced in this Ordinance and the entirety of the record before the City Council.

SECTION 3. Ordinance

The City Council hereby makes the findings contained herein and hereby adopts the uncodified Ordinance to read as follows:

ORDINANCE PROHIBITING THE DEVELOPMENT OF NEW SERVICE STATIONS AND EXPANSION OF EXISTING SERVICE STATIONS WITHIN THE CITY OF PINOLE AND DEEMING ALL EXISTING SERVICE STATIONS AS A LEGAL NONCONFORMING USE

Section 1. Purpose

The purpose of this Ordinance is to:

- A. Support the transition to zero emission vehicles as a tool to reduce greenhouse gas emissions and combat climate change.

- B. Allow time for the City to study and develop permanent regulations regarding service stations that enable the City to combat the effects of climate change and improve air quality in the City, and, thereby serve the public peace and health.
- C. Provide for the continued operation of service station uses as legal nonconforming uses.
- D. Allow alterations to service stations when such changes provide greater protection for the environment, safeguard public health, and safety, and promote the use of zero emission vehicles.

Section 2. Moratorium Imposed.

- A. From and after the effective date of this Ordinance, no permit or any other applicable license or entitlement for use shall be approved or issued for the establishment or operation of a service station, as defined in Pinole Municipal Code Title 17, in the City of Pinole.
- B. This moratorium shall not apply to the issuance or renewal of a business license for an existing business, or a new business license for an existing service station, provided that the applicant seeks to maintain the business without expansion and in its current location and the establishment complies with all City, State, Federal or otherwise applicable codes, rules, regulations, or laws.

Section 3. Modifications to Service Stations, Generally.

Except as provided herein, service station uses and structures related thereto, including structures for accessory uses, shall not be enlarged, extended, or moved to a different portion of the lot or parcel of land occupied by such.

This Section shall not prohibit repair, maintenance, or modification of existing service stations, as long as such repair, maintenance, or modification does not result in an expansion of the use and is completed in compliance with the applicable requirement of Pinole Municipal Code Chapter 17.14.

This Section shall not prohibit the expansion, modification, or retrofit of existing service stations to incorporate biodiesel or other alternative fuels or charging stations for electric vehicles as long as such expansion, modification or retrofit promotes the use of zero emissions vehicles and is in compliance with the applicable requirements of Pinole Municipal Code Section 17.34.060.

Section . Modifications to Improve Soil, Groundwater, and Storm Water Quality

Service station uses may be modified to conform to current stormwater quality control regulations or to remediate contamination of the soil or groundwater.

Section 5. Loss of Legal Nonconforming Use Status.

Service stations in existence as of the date this Ordinance is adopted may continue operating. Without any further action by the City, a nonconforming service station shall be conclusively presumed to have abandoned the service station's legal nonconforming status, and such status shall terminate, if and when:

1. The nonconforming service station ceases selling, storing, or dispensing fossil fuels for a continuous period of 6-months or more; or
2. The nonconforming service station is converted to or replaced by a permitted, non-fossil fuel station use.

Section 6. Termination

The Ordinance shall take effect immediately and shall remain in effect for 45 days, unless extended by the City Council pursuant to Government Code section 65858.

SECTION 4. Severability

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable. The City Council of the City of Pinole hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 5. Effective Date

Following adoption by at least a four-fifths vote of the City Council, this Ordinance shall be effective immediately upon adoption pursuant to Government Code section 65858. The City Clerk shall certify as to the adoption of this Urgency Ordinance and shall cause it to be published within fifteen (15) days of the adoption and shall post a certified copy of this Urgency Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with California Government Code Section 36933.

PASSED AND ADOPTED at a regular meeting of the Pinole City Council held on the 2nd day of April, 2024 by the following vote:

- AYES: COUNCILMEMBERS:
- NOES: COUNCILMEMBERS:
- ABSENT: COUNCILMEMBERS:
- ABSTAIN: COUNCILMEMBERS:

Maureen Toms, Mayor

ATTEST:

Heather Bell, City Clerk

APPROVED AS TO FORM:

Eric S. Casher, City Attorney

Urgency Ordinance Enacting a Temporary Moratorium on the Establishment of New Service Stations or Expansion of Existing Service Stations in the City of Pinole

Tuesday, April 2, 2024
City Council



Background

- July 18, 2023: Future agenda item request to present information regarding enacting a ban on service stations in the City of Pinole (Councilmember Sasai)
- February 6, 2024:
 - Council received information
 - Council directed staff to prepare an urgency ordinance enacting a moratorium on new service stations and include development of a permanent ordinance as an action in the Climate Action and Adaptation Plan (CAAP)



Climate Change and Government Regulation



Climate change poses significant risks to public health, safety, and welfare (i.e., air pollution, extreme weather events, increased food insecurity, and rising sea levels)



One main contributor to climate change is the transportation industry



Government agencies at the federal, state, and local levels have all set priorities to shift consumers toward electric vehicles over traditional gasoline-powered vehicles

Gas/Service Station Regulation in Other Communities

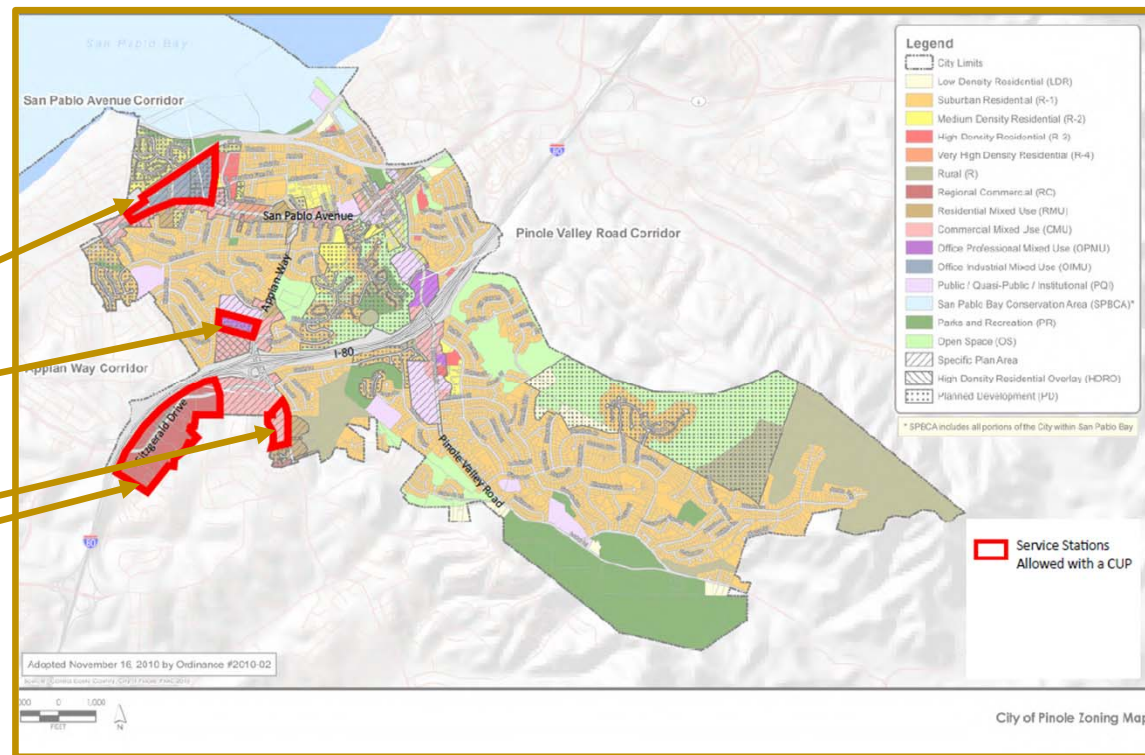
City	County	Date of Ban	# Existing and Proposed Gas Stations Regulated by Ordinance	Population
Petaluma	Sonoma	Mar 2021	17	59,403
Rohnert Park	Sonoma	Mar2022	13	44,411
Sebastopol	Sonoma	Apr 2022	3	7,448
Cotati	Sonoma	Jun 2022	5	7,498
Windsor	Sonoma	Oct 2022	4	26,039
Santa Rosa	Sonoma	Aug 2022	44	176,938
Sonoma County	Sonoma	Mar 2023	46	485,887
Yountville	Napa	Sept 2023	1	3,360
American Canyon	Napa	Feb 2022	3	21,605
Calistoga	Napa	Dec 2021	3	5,187
Napa	Napa	Apr 2023	20	78,818
St. Helena	Napa	Ban is pending	3	5,386
Novato	Marin	October 2022	14	52,708
San Anselmo	Marin	November 2023	3	12,693
Fairfax	Marin	November 2023	2	7,521

Where are Service Stations in Pinole Allowed?

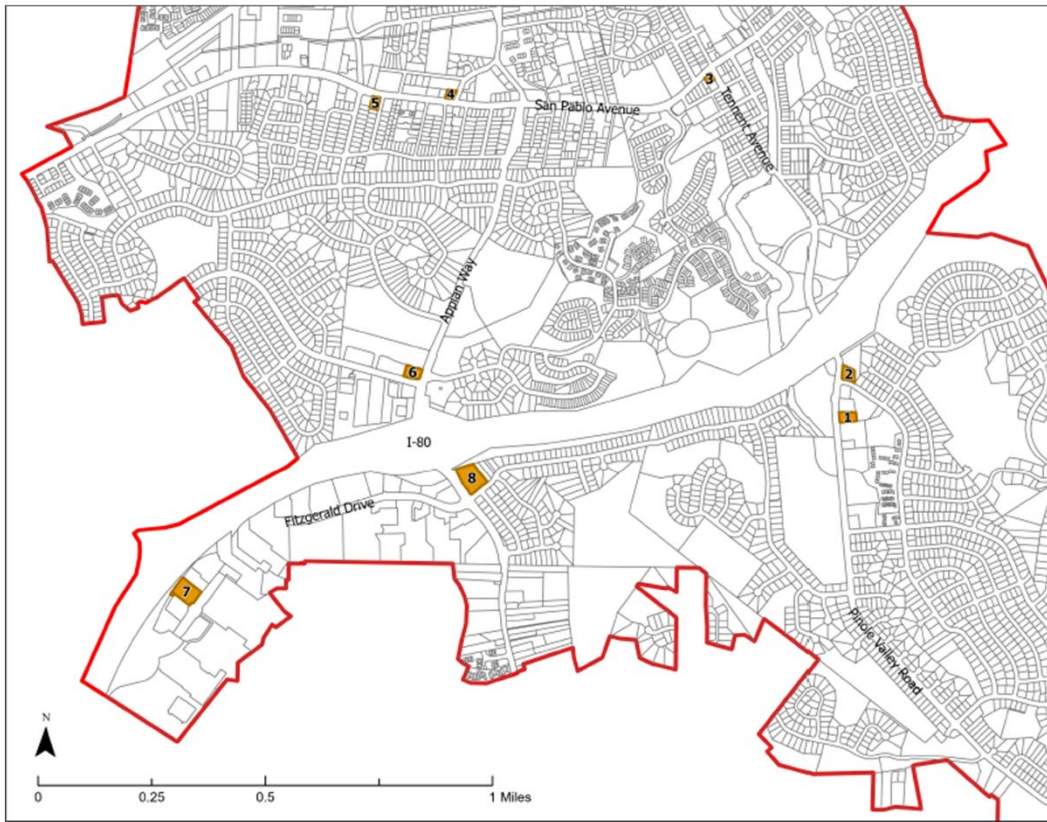
Service Stations: retail businesses selling gasoline or other motor vehicle fuels.

Allowed with a CUP only:

- OIMU in the Service Sub-Area in the San Pablo Avenue Corridor.
- OPMU in the Service Sub-Area in the Appian Way Corridor.
- CMU in the Mixed Use Sub-Area in the Appian Way Corridor.
- RC Zoning District.

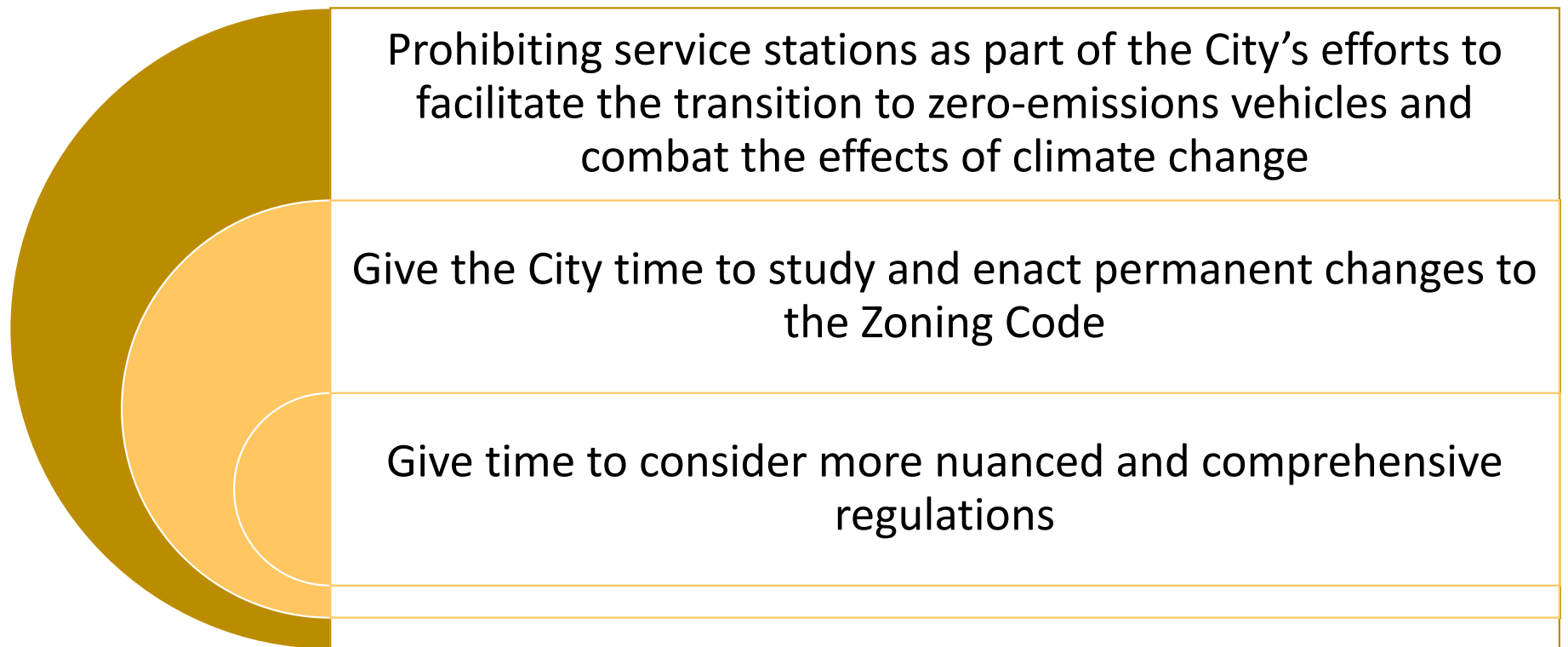


Existing Service Stations in Pinole



ID	Station	Address	Zoning District	Built (effective year)
1	ARCO	2737 & 2747 Pinole Valley Rd	CMU (Commercial Mixed Use)	1976
2	Chevron - Pinole Valley	2695 Pinole Valley Rd	CMU	1959 (1970)
3	Pump House	700 Tennent Ave	CMU	1961 (1965)
4	Grand	1390 San Pablo Ave	CMU	1984
5	Smart Stop	1007 San Pablo Ave	CMU	1984
6	Chevron - Appian Way	2298 Appian Way	CMU	1967 (1980)
7	Shell	1401 Fitzgerald Dr	RC (Regional Commercial)	1999 (2000)
8	1401 Fitzgerald	2401 Appian Way	CMU	1999 (2000)

Purpose of Moratorium



Proposed Urgency Ordinance

Gov't Code Section 65858 authorizes the City Council to adopt, as an urgency measure to preserve the public peace, health, and safety, a zoning moratorium prohibiting any uses that may be in conflict with a contemplated zoning proposal that the City Council is considering or studying.

The urgency ordinance will:

Enact a moratorium on the establishment of new service stations anywhere in the City

Make service stations already existing in the City a legal nonconforming use, which allows existing service stations to continue operating

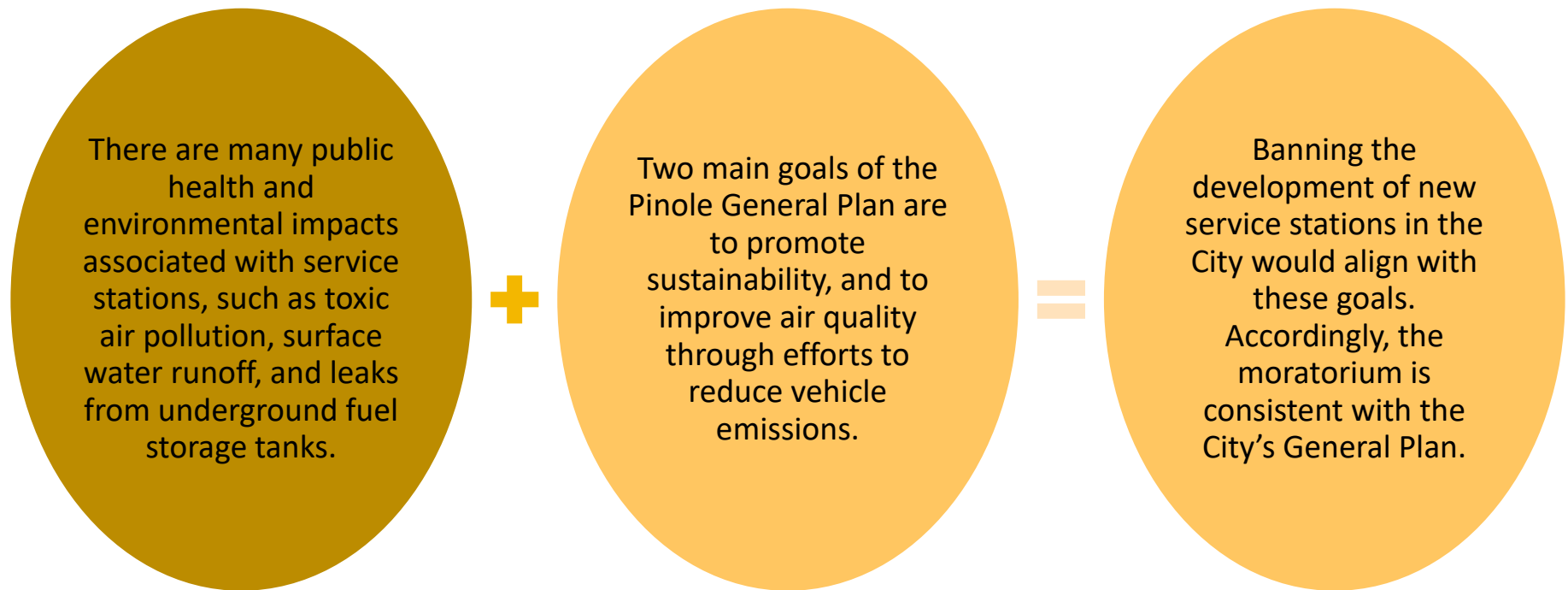
Prohibit the expansion of existing service stations, as well as accessory buildings on the same site, such as convenience stores

Generally allow repairs and maintenance of existing service stations as long as they did not result in an expansion of the existing use

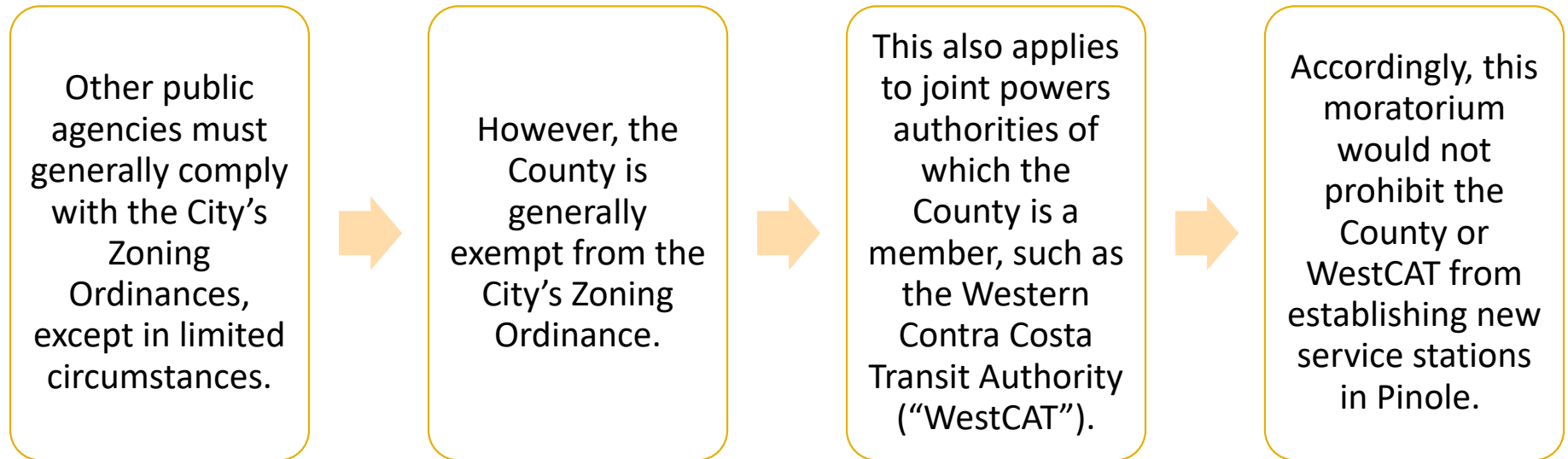
Ensure that if a service station ceased to sell or dispense fossil fuel for a period of 180 days or more they would lose the status as a legal nonconforming use

Not impact the ability of an existing service station to expand, modify or retrofit their facilities if such renovation supports a transition towards serving zero-emission vehicles

Consistency with General Plan



Applicability of Urgency Ordinance on Other Public Agencies



Urgency Ordinance Process and Timeline

Urgency Ordinance can be adopted tonight if so desired by the City Council

Findings supporting the determination that the moratorium is necessary to protect the public peace, health and safety (included in proposed ordinance)

Approval by four-fifths (4/5) vote of the City Council is required

Urgency ordinance will go into effect immediately for 45 days

Council can renew the ordinance for a total combined period of time of up to two years

Permanent Ordinance Process and Timeline

Included as action in the CAAP, with a development and adoption timeline not to exceed two years

Staff will study and consider: (1) the potential negative effects of service stations on public health, welfare and safety; (2) the zoning and economic development impacts of services stations; and (3) appropriate controls for service station for the protection of public health, safety, and welfare, and to facilitate the transition to ZEVs

Planning Commission will provide a recommendation on the draft permanent ordinance

The City Council will ultimately consider adopting the permanent ordinance.

Fiscal Impact

There is no direct fiscal impact of adopting the moratorium. The moratorium will not prevent existing service stations from continuing to operate, nor the ability of the City to collect sales tax. As part of studying and developing a permanent ordinance prohibiting service stations, staff will analyze long term fiscal impacts of that change.



Staff Recommendations

- Staff recommends that the City Council adopt an urgency ordinance enacting a temporary moratorium on the establishment of new service stations or expansion of existing service stations





CITY COUNCIL REPORT

11.A.

DATE: APRIL 2, 2024
TO: MAYOR AND COUNCIL MEMBERS
FROM: DAVID HANHAM, PLANNING MANAGER
SUBJECT: RECEIVE UPDATE ON STATUS OF DEVELOPMENT OF
PARKLET/OUTDOOR DINING REGULATIONS IN PINOLE AND PROVIDE
DIRECTION

RECOMMENDATION

Staff recommends that the City Council receive an update from Staff on findings from business interviews conducted in early 2024 and set a schedule for the development of permanent parklet regulations.

BACKGROUND

Outdoor dining extends eating establishments seating into the sidewalk, street and underutilized areas that can enliven the street, support economic development, and help reprioritize public space for human use. The City of Pinole's current regulations regarding outdoor dining were established in 2010 with a major Zoning Code Amendment in coordination with the adoption of the General Plan and Three Corridor Specific Plan. The regulations allow for outdoor dining in all zoning districts, except for residential zoning districts, with approval of an Administrative Use Permit and an Encroachment Permit (if City property is involved). An Administrative Design Review (staff-level approval) or Comprehensive Design Review (Planning Commission-level approval) may also be required depending on the size of the proposed structure.

During the COVID-19 pandemic, the City Council established an expedited, modified process through an Urgency Ordinance which allowed eating establishments the ability to utilize existing parking lots, street rights-of-way and open spaces between buildings to serve food to customers through Temporary Use Permits. On [April 4, 2023](#), staff provided an overview of the current regulations related to outdoor dining and sought direction from the Council on the development of a recommended framework for requirements applicable to outdoor seating areas on sidewalks, in street parking areas, and on public and private property. The framework that was reviewed and recommended by the Planning Commission included:

- Defining categories of outdoor dining
- Establishing the permitting process for outdoor dining
- Describing the locations and/or zoning districts where the use is allowed.
- Establishing standards of design, materials, size, and landscaping (etc.)
- Considering encouraging other elements such as public art and bicycle parking
- Establishing standards that address uses of the area.
- Addressing parking requirements
- Addressing the transition from temporary outdoor eating areas to permanent outdoor eating areas

At the April 2023 meeting the City Council reviewed the Planning Commission's recommendation, took comments, and provided the following directions:

1. Extended the active temporary use permits through the end of the year (2023).
2. Directed Staff to review the Old Town Pinole Parking and Pedestrian Safety Study and return with suggestions regarding the report including parklets, bulb outs, wayfinding, and other goals outlined in the study.
3. Directed Staff to conduct some outreach with the goal of finding out if there was interest in creating permanent parklets or outdoor dining eating facilities and identifying the constraints among businesses (businesses with business licenses that had a component of food service and that also had storefronts or dining in the City) that would keep them from having outdoor dining

The Council received an update and took the following actions at the [December 5, 2023](#) meeting:

1. Extended the Temporary Use Permits for outdoor dining at Tina's Place and Sue's place though June 30, 2024 to provide additional time to conduct outreach and develop permanent regulations if so desired by Council; and
2. Agendize as an Old Business item on the February 20, 2024 Council meeting an update from Staff on findings from the business interviews and setting a schedule for development for permanent regulations; and
3. Directed that the development of the Active Transportation Plan consider and incorporate recommendations from the Old Town Pinole Parking and Pedestrian Safety Study, as appropriate.

This item provides an update on findings from the business interviews and sets a schedule for the development of permanent regulations.

REVIEW AND ANALYSIS

Business Interviews

Following the December 5, 2023, Council direction, Staff met with 20 food service businesses. Businesses were organized into five categories by location, as shown below:

- Downtown/Old Town
- San Pablo Avenue
- Appian Way
- Fitzgerald Drive
- Pinole Valley Road

Table 1 below summarizes results from business interviews conducted between December 2023 and January 2024. The interviews were conducted either in-person or by phone, based on the respondent's schedules.

Table 1—Results of Business Interviews

Questions	<u>Downtown Corridor</u>	<u>San Pablo Avenue Corridor</u>	<u>Appian Way Corridor</u>	<u>Fitzgerald Drive Corridor</u>	<u>Pinole Valley Road Corridor</u>
	Respondents: Antlers, Tina's Place, East Bay Coffee Company, Bear Claw, Sabor	Respondents: Kimchi House, Tachikawa, Hunan Villa, La Famigila	Respondents: Boba Birds, Ristorante Due Rose, Tandoor Restaurant, Taqueria Morena	Respondents: Mel's Diner, The Cheese Steak Shop, Mountain Mikes, Pho Craze	Respondents: Pinole Valley Road -- Pho Hua,

Latino 17, Sue's Cafe					Five Guys, Ala Mode Donuts, the Original Red Onion
<i>What are your thoughts on parklets or outdoor dining areas in Pinole, in general? Do you have any concerns that come to mind related to parklets?</i>	Business owners think outdoor dining and parklets could increase downtown foot traffic, particularly on weekends with good weather. Businesses owners expressed concerns about the speed on San Pablo Avenue and advocate for wider sidewalks or traffic calming measures. Potential loss of parking areas and would need additional sidewalks.	Business owners in this area like the idea of parklets and outdoor dining, but based on the placement of the buildings, they felt that outdoor dining would be more appropriate. The main concern is the wideness of their sidewalks and the potential loss of parking areas.	The owners in this area like the idea of parklets and outdoor dining. All the eateries in this area would like outdoor dining. Their main concern is the need to expand their sidewalk areas and their loss of parking areas	Owners in this area prefer outdoor dining over parklets, citing feasibility concerns. They believe outdoor dining facilitates more enjoyment of good weather. Like other areas, their main concern is the potential loss of parking spaces and the need for additional sidewalks.	The owners like the concept of outdoor dining and parklets. The owners felt that in some areas they have enough room on the sidewalk but would not have the ability to use the parking areas in shopping centers.
<i>If the City developed a permanent/enhanced process for parklets and outdoor dining, what would you like to see in the process? For example, would you prefer the process to remain administrative if a business met a specified set of</i>	All owners favored a streamlined staff-level review process without a public hearing. They preferred a 30-day timeline and specified standards to expedite approvals, enabling them to simply check off approved standards.				

<i>standards, or should there be a discretionary process (public meetings)?</i>					
<i>Please specify any constraints (such as monetary cost, physical limitations, staffing limitations) that would hinder you from having outdoor dining at your business?</i>	All the businesses in the Downtown corridor had constraints. Most of the businesses had cost and staffing limitations. Other owners had monetary issues. All the businesses had areas they could use for either parklets or outdoor dining.	The owners in the San Pablo Corridor had staffing limitations and monetary issues. The businesses in this corridor that were in favor of outdoor dining did not have physical limitations.	The Appian Way corridor businesses had physical limitations for outdoor dining areas. They also had staffing limitations. Cost limitations are also an issue.	The Fitzgerald Drive corridor businesses consist of staff limitations and monetary costs.	The Pinole Valley businesses have physical limitations as well as staffing limitations for parklets and outdoor dining areas.
<i>Would you like to design and develop your own outdoor dining area or choose from the pre-approved option for parklets and outdoor dining area?</i>	The Downtown Corridor businesses would like to have pre-approved options for parklets with the ability to add a personal touch such as signage, or landscaping. However, they prefer to individually design outdoor dining areas.	The San Pablo Avenue corridor respondents didn't feel parklets would be feasible. The owners would like to design their own outdoor dining areas.	The Appian Way corridor businesses wanted to design their own outdoor dining areas. However, if they were to use a parklet design in the parking lots, they would want to have a pre-approved parklet design.	The Fitzgerald Drive businesses prefer to design their own outdoor dining areas. They would consider a pre-approved design only if it expedites the process significantly.	Pinole Valley Road businesses prefer the flexibility to design their own areas. Given their limited space, implementing parklets or outdoor dining in parking lots would pose challenges for Pinole Valley businesses.
<i>Would you prefer your area to be private or shared by others? If the area was for</i>	All respondents prefer private use of parklets and support an annual fee similar to an annual lease payment. They advocate for a minimal fee structure given their responsibility for maintaining their own areas.				

<i>exclusive use, would you or would you be willing to pay an annual use fee?</i>					
<i>Would you prefer to have outdoor dining area in the parking lot or a parklet on the street?</i>	The Downtown businesses were in favor of both parklets and outdoor dining. They indicated an interest in parklets on San Pablo only if the city implements traffic calming measures on San Pablo Avenue.	The San Pablo Avenue business respondents preferred outdoor dining in parking lots.	The Appian Way business respondents preferred outdoor dining in parking lots.	The Fitzgerald Drive business respondents preferred outdoor dining areas along the sidewalks of the shopping centers or in the parking lots.	The Pinole Valley Road business respondents preferred to have their outdoor dining areas either along the sidewalks of the shopping centers or in the parking lots.
<i>Ideally, how many table/chairs would you like to see in your outdoor eating area?</i>	In the Downtown corridor, business respondents prefer four to five tables allowed to seat 15–20 people.	In the San Pablo Avenue corridor, business respondents prefer three or four tables allowed to seat 12–16 people.	In the Appian Way corridor, business respondents prefer two to four tables allowed to seat 4–8 people.	In the Fitzgerald Drive corridor, business respondents prefer three to five tables allowed to seat 6–12 people.	In the Pinole Valley Road Corridor, business respondents prefer three to five tables allowed to seat 6–10 people.
<i>Would you willing to be responsible for maintenance of the area?</i>	All business respondents indicated that they would be willing to be responsible for maintenance of their own outdoor dining areas.				

Setting a Schedule for Adoption of Permanent Regulations

Based on the Council's previous direction in 2023 and the favorable feedback from business owner interviews, Staff recommends that the Council explore permanent parklet regulations and improved outdoor dining regulations. Considering the workload of the Community Development Department, the development schedule outlined in Table 2 could be considered.

Table 2: Schedule for Development/Adoption of Permanent Regulations

Month, 2024	Activity
April - May	Planning Ad-Hoc Subcommittee meetings to

	develop draft regulations
June	Municipal Code Subcommittee meeting to review draft regulations
July-August	Planning Commission meetings to review draft regulations
September	Municipal Code Subcommittee meeting to review revised draft regulations
October	City Council considers adoption of the regulations

Temporary Use Permits

The two active parklets/outdoor dining spots permitted under Temporary Use Permits remain at Tina's Place (2300 San Pablo Avenue) and Sue's Place (2265 Pear Street). Both business owners express interest in pursuing permanent alternatives while simultaneously being allowed to retain their outdoor dining. The Council extended the Temporary Use Permits for both establishments until June 30, 2024, to facilitate outreach and permanent regulation development. Pursuant to the schedule for the development of permanent regulations in **Table 2**, there would be a lapse in time between the expiration of the Temporary Use Permits and the development of permanent regulations. To bridge this gap, the Council could consider extending the Temporary Use Permits once more.

FISCAL IMPACT

There is no fiscal impact to receiving this report.

ATTACHMENTS

None



CITY COUNCIL REPORT

11.B.

DATE: APRIL 2, 2024
TO: MAYOR AND COUNCIL MEMBERS
FROM: MARKISHA GUILLORY, FINANCE DIRECTOR
SUBJECT: REAL PROPERTY TRANSFER TAX/CHARTER CITY MEASURE FOR
NOVEMBER 2024 BALLOT

RECOMMENDATION

Staff recommends that the City Council provide direction on whether to pursue a ballot measure to become a charter city for the purpose of amending the City's real property transfer tax or pursue any other tax measures in the November 2024 election

BACKGROUND

At its meeting on November 7, 2023, the City Council received a presentation on the City's twenty-year financial forecast, which projected budget deficits beginning in FY 2024/25 and continuing into future years. Staff presented various revenue enhancements and expenditure reduction options for the Council to consider in order to address the projected budget deficits and stabilize the City's financial position over the long-term. The City Council directed staff to model in the financial forecast several potential ballot measures, one of which would be placed on the November 2024 ballot. The ballot measure options for consideration were charter city and real property transfer tax, a half-cent local sales & use tax, a parcel tax, an excise tax on sugar-sweetened beverages, and expansion of the utility users' tax to water usage and/or a rate increase from eight to ten percent.

At its meeting on January 16, 2024, the City Council received a presentation on the potential revenue that would be generated by the various revenue measures that the Council directed staff to model in the forecast. The City Council directed staff to retain a polling firm to gauge community support of a potential revenue measure to be placed on the November 2024 ballot.

Staff selected consulting firms, The Lew Edwards Group and FM3 Research, to assist with research and community engagement efforts. The City has conducted similar polls in the past, most recently in 2022, in relation to a potential real property transfer tax and charter city measure.

Voter polls regarding potential city ballot measures normally include questions addressing the following topics using a statistically valid, representative sample:

- Whether the city is on the right or wrong track;
- Satisfaction with the city's delivery of services and management of finances;
- Satisfaction with overall community quality of life and most important issues facing the

- city;
- Voter's attitude about taxes in the city;
- Voter's support for potential ballot measure language prior to and after hearing specific statements of support and opposition; and
- Screening for likely voters and demographic questions.

One of revenue measures that the City Council is considering is to become a charter city and increase the City's current real property transfer tax. Staff is recommending that the Council provide direction on whether to pursue the charter city measure as it requires additional steps to be taken outside of the normal steps for other ballot measures, including holding a public hearing that would need to take place at the May 7, 2024 Council meeting, followed by a second public hearing thirty days after the first one.

REVIEW AND ANALYSIS

A. Overview of Tax Measures

As noted above, the City hired a consulting firm to gather statistically valid, representative responses regarding the potential ballot measures. The City is currently considering several potential ballot measures, including charter city and real property transfer tax, a half-cent local sales & use tax, a parcel tax, an excise tax on sugar-sweetened beverages, and expansion of the utility users' tax to water usage and/or a rate increase from eight to ten percent.

It should be noted that:

- A parcel tax is a special tax and requires two-thirds vote which can present a greater challenge. Parcel taxes are mostly implemented by special districts and school districts for special purposes. They are uncommon among cities.
- While utility users' tax is a general tax and the proceeds can be used for general municipal purposes, it would generate revenue much lower than the City's needs.
- An excise tax on sugar-sweetened beverages, commonly known as a "soda tax," is not a viable option as the State passed legislation in 2018 banning any local government without an existing soda tax from establishing this tax for twelve years.

B. Charter City vs. General Law City

A general law city has the authority to act locally, but its acts must be consistent with all general laws adopted by the Legislature. In contrast, a charter city is only required to act consistent with state laws regarding matters of statewide concern. A charter city may use its "home rule" authority to adopt laws regarding "municipal affairs" that vary from state laws. A city's charter defines the structure of the city's government and the scope of a city's authority over municipal affairs. Some cities have very detailed charters, while other cities have charters that are limited in scope. Some charters specify that the city may exercise all powers a charter city has unless a power is expressly excluded by the charter, while other charters specify that a city may only authorize a power if expressly authorized by the charter. A city's charter must be approved by the voters, as must any amendment to the charter.

There is no constitutional or statutory “list” of municipal affairs. Courts, not the Legislature, decide on a case-by-case basis what constitutes a municipal affair. However, what constitutes a municipal affair can change over time with changes in case law. Areas that the courts have said constitute municipal affairs include: the form of city government; local elections, including qualifications for office and public funding of campaigns; some aspects of zoning and land use; the process of contracting for public works; and the scope of authority related to fines, taxes and assessments.

A significant authority possessed by charter cities is the authority to impose a real property transfer tax (“RPTT”) at an increased rate. A RPTT is a tax imposed on the deed, instrument, or writing by which interests in real property are transferred. Under the California Revenue and Taxation Code, general law cities may impose a RPTT of no more than \$.55 per \$1,000 of value on the property transferred (the County may also impose a RPTT equal to this rate). Pinole currently has a RPTT of the maximum allowed for general law cities of \$.55 per \$1,000 of value.

Charter law cities are not subject to state law regarding RPTTs because RPTTs are deemed municipal affairs. As a result, charter cities may impose RPTTs at a rate higher than the maximum statutory rate of \$.055 per \$1,000.

Below is a chart of the base RPTT rates applied in neighboring charter cities.

City	Tax (per thousand dollars)
Alameda	\$12.00
Albany	\$11.50
Berkeley	\$15.00
El Cerrito	12.00
Emeryville	\$12.00
Oakland	\$15.00
Piedmont	\$13.00
Richmond	\$7.00
Median	12.00

Over the last 10 years, Pinole has received an average of \$71,754 from the RPTT, with a low of \$44,699 in 2009-10 and a high of \$98,593 in 2016-17. Adjusting the RPTT rate to \$12 per \$1,000 would have produced a 10-year average of \$1,565,543, with a low of \$975,251 in 2009-10. The City can choose to adopt tiered RPTT rates, with higher rates for property valued at over a certain amount, and provide RPTT rebates for certain improvements performed by the property owner prior to sale. Under state law and the California Constitution, cities cannot impose, increase or extend any tax unless the tax is approved by the voters. Accordingly, the increased RPTT would require a vote of the electorate.

C. Process of Becoming Charter City

Becoming a charter city requires approval by a majority of voters. The City Council may, on its own motion, propose a new charter and submit it directly to the voters for approval at the next established statewide general election. The City Council must vote to submit the proposed charter to the voters at least 88 days before the election. If the charter will include an increase to the RPTT a 4/5 vote of the City Council is required to approve moving forward

with the Charter. Prior to approving submission of the charter to the voters, the City Council must hold at least two public hearings on the proposal of the charter and the content of the charter. There are special noticing requirements for these hearings. In order for the City Council to place a charter measure on the ballot for November 2024, the City would need to hold the first public hearing on a proposed charter at the first meeting in May 2024.

The City Council can develop the proposed charter itself and then submit it to the voters for consideration. This could be done either through a special meeting or through workshops prior to the start of regular council meetings. The Council will have the opportunity at that time to make any changes to the proposed charter, if desired.

FISCAL IMPACT

There is no fiscal impact as a result of this item. The City Council previously approved funds for the City to hire a polling and community engagement firm.

ATTACHMENTS

None



CITY COUNCIL REPORT

12.A.

DATE: APRIL 2, 2024
TO: MAYOR AND COUNCIL MEMBERS
FROM: JOSEPH BINGAMAN, PUBLIC WORKS MANAGER
SANJAY MISHRA, PUBLIC WORKS DIRECTOR
SUBJECT: PURCHASE OF GENERAL USE VEHICLES TO REPLACE AGING CITY
FLEET VEHICLES.

RECOMMENDATION

Provide Direction on procurement of general-use vehicles to replace aging City fleet vehicles.

BACKGROUND

Public Works oversees the purchase of fleet vehicles for City departments except for the Police Department. The vehicle needs for the City have changed with the hiring of new staff members for several different departments. With the addition of City staff and the age of the current general-use vehicles, typically sedans, the City needs to purchase additional vehicles and replace older vehicles. The City currently has a fleet of five sedans that are used by Public Works, Community Development, and Community Services and are more than 20 years old.

REVIEW AND ANALYSIS

The City's fleet vehicles are necessary for the day-to-day operation of City business to provide services to the residents of the City of Pinole. The use of vehicles varies from Building and Public Works inspectors to Code Enforcement and Recreational services. At this time, the Public Works need to purchase two general-use vehicles to provide City staff with the resources needed to service the community.

The council has expressed their desire to purchase electric vehicles to support the City's goal of transitioning to a sustainable fleet. Public Works has considered many factors in reviewing and researching the purchase of zero-emission electric vehicles.

Pros

1. The transition to electric vehicles will allow the City to meet the goal of eliminating gasoline-powered vehicles and adopt zero-emission vehicles. This transition supports the City's general plan and the new Climate Action and Adaptation Plan.
2. Transitioning to a zero-emission fleet will lower fuel costs and some maintenance costs.
3. A zero-emission fleet will contribute to healthier and cleaner air.

Cons

1. The City does not currently have an electric vehicle charging infrastructure to support electric vehicles.
2. Past history of how City vehicles are used may present an issue with the batteries, i.e. vehicles sitting unutilized for periods of time could damage and degrade batteries.

Considerations

Public Works would like to present the following for consideration.

In kind replacement for current City Fleet vehicles.

The City currently has 5 Ford Taurus sedans, all from the early 2000s. Public Works would like to replace these vehicles and purchase additional vehicles of comparable size and options.

Availability

The City has limited purchasing options and will more than likely have to purchase replacement and additional retail vehicles.

Fleet options for the purchase of electric vehicles are not available at this time. It must be noted that the Chevy models shown below are not currently being produced, and the company has halted production for 2 years. Currently, the market has only 2023 retail models available.

Options

Public Works is requesting direction from the Council on determining the options for the transition of the general use fleet. Many public agencies are or have been transitioning to electric vehicles for many years. Caltrans, the largest public agency fleet in the State of California, began transitioning the State fleet as far back as 2000. Please find related information at the following link <https://www.abc10.com/article/news/local/why-caltrans-purchased-hundreds-of-teslas/103-845a0445-3cca-450a-88f9-5535a6f4873a>.

The City would have the flexibility of purchasing plug-in hybrids to assist with the transition.

The following vehicles could be selected as options for electrified or partially electrified vehicles to transition the City's fleet to sustainable vehicles.

Plug-In Hybrid Vehicles :

- Rav-4 Prime
- Prius Prime

Electric Vehicles :

- Chevy Bolt EV / EUV
- Chevy Blazer EV
- Ford Mustang Mach E
- Nissan Leaf

- Nissan Ariya
- Tesla Model 3

The purchase of the plug-in hybrid or electric vehicle will require a retail purchase because Fleet purchasing of standard vehicles is not available at this time. Public Works has researched the following pricing information for the recommended vehicles.

Plug-In Hybrid

Make / Model	Type	MSRP Starting
Toyota Rav 4 Prime	Compact	\$46,414.00
Prius Prime	Compact	\$32,975.00

Electric Vehicles

Make / Model	Type	MSRP Starting
Chevy Bolt EUV (2023 LT)	Compact	\$27,800.00 (\$35,100.00 - Cash including tax for retail models)
Chevy Bolt EV (2023 2LT)	Sub-compact	\$26,500.00 (\$35,500.00 - cash including tax for retail models)
Chevy Blazer	Compact	\$56,715.00
Ford Mustang Mach-E	Standard	\$42,995.00
Nissan Leaf	Sub-compact	\$28,140.00
Nissan Ariya	Compact	\$43,140.00
Tesla Model 3 Base	Standard	\$38,990.00 (\$40,700.00 - Cash including tax for retail model)

At this time, Public Works does not have charging stations installed to support all electric vehicles.

The cost to install a standard residential charging station at the Wastewater Treatment Plant(WWTP) will cost between \$3000 and \$8000.

The cost to install public charging stations in areas that will provide access to Ctiy staff is unknown at this time.

The Toyota Rav 4 Prime or the Prius Prime will provide the City with the ability to transition to sustainable electrification of the City Fleet, as the City is able to install charging stations while providing the flexibility of the gasoline engine to respond to situations if vehicle charging is not available.

FISCAL IMPACT

Fiscal impact on the budget will depend upon council direction to procure the types of vehicles.

ATTACHMENTS

None