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CITY COUNCIL

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

**PINOLE CITY COUNCIL
SPECIAL MEETING AGENDA**

**TUESDAY
August 8, 2023
5:00 P.M**

Please note: HYBRID MEETING FORMAT

**Attend in person : PINOLE CITY COUNCIL CHAMBERS - 2131 PEAR STREET
OR**

Attend VIA ZOOM TELECONFERENCE – Details provided below

Please note: Updated COVID-19 safety protocols will be posted outside the City Council Chambers. Please review this information before entering the Council Chambers.

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.

Please note: Updated COVID-19 safety protocols will be posted outside the City Council Chambers. Please review this information before entering the Council Chambers.

OTHER WAYS TO WATCH THE MEETING

LIVE ON CHANNEL 26. They are retelecast the following Thursday at 6:00 p.m. The Community TV Channel 26 schedule is published on the city's website at www.ci.pinole.ca.us.

VIDEO-STREAMED LIVE ON THE CITY'S WEBSITE, www.ci.pinole.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 hbell@ci.pinole.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.pinole.ca.us. You may also contact the City Clerk via e-mail at hbell@ci.pinole.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. CITIZENS TO BE HEARD (Public Comments)

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.*

5. PUBLIC HEARING

- A. Sewer Service Rate Assessment for Fiscal Year 2023-2024 [Action: Conduct Public Hearing and Adopt Resolution per Staff Recommendation (Mishra)]**

6. ADJOURNMENT to the Regular City Council Meeting of August 15, 2023 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, on the City's website, not less than 72 hours prior to the meeting date set forth on this agenda.

POSTED: August 3, 2023 at 2:15 P.M.

Heather Bell, CMC
City Clerk



CITY COUNCIL REPORT

5A

DATE: AUGUST 8, 2023

TO: MAYOR AND COUNCIL MEMBERS

FROM: SANJAY MISHRA, PUBLIC WORKS DIRECTOR

SUBJECT: SEWER SERVICE RATE ASSESSMENT FOR FISCAL YEAR 2023-2024.

RECOMMENDATION

Staff recommends that the City Council conduct a Hearing regarding the sewer service rate to be collected on the Fiscal Year (FY) 2023-24 Tax Roll, and adopt Resolution (Attachment A) approving the sewer service rates for Fiscal Year 2023-24 and directing the Filing of Charges for Collection by the County Tax Collector.

BACKGROUND

The City imposes a sewer service rates to fund costs associated with the City's sanitary sewer system in accordance with its Municipal Code Chapter 13.05. The sewer service rates are levied pursuant to the California Health and Safety Code, Section 5471 et seq. and the City's Municipal Code Chapter 13.05. Payment of the sewer service rate for each parcel is made in the same manner and at the same time as payments are made for property taxes.

The sewer service rate provides revenue for the following:

1. Repayment of the State Revolving Loan for State mandated upgrades to the Pinole-Hercules Water Pollution Control Plant (hereinafter "WPCP");
2. Operation and maintenance of the WPCP;
3. Operation and maintenance of the sewer collection system including sewer pump stations; and
4. Capital improvement projects within the collection system as identified in the City's Capital Improvement Plan.

On July 17, 2018, in accordance with Section 38902 of the California Government Code and Proposition 218, the City Council adopted Resolution 2018-66 accepting the Wastewater Rate Study and adopting sewer rates for a five-year period which included

3% annual rate increases imposed each July 1st for a period of FY 2018-19 through FY 2022-23. A copy of the Wastewater Rate Study is on file with the City Clerk.

The annual sewer service rate consists of 1) residential rates for single and multiple family customers and 2) non-residential volumetric rates per 100 cubic feet based upon the monthly metered water usage (i.e., billable wastewater flow). Residential properties are assessed a flat rate per month while commercial properties pay a rate based on their land-use class assigned by the County tax roll multiplied by the water usage amounts (CCF).

Based on the Wastewater Rate Study, the following sewer service rates were approved:

Residential users – Per Dwelling Unit	July 1, 2018	July 1, 2019	July 1, 2020	July 1, 2021	July 1, 2022
Single-family	\$65.40	\$67.37	\$69.34	\$71.44	\$73.62
Multiple family including Accessory Dwelling Units	\$55.59	\$57.26	\$58.94	\$60.72	\$62.58
Non-Residential Users, Minimum charge – based on water service size as provided by East Bay Municipal Utility District					
5/8"	\$15.00	\$15.45	\$15.92	\$16.40	\$16.90
3/4"	\$22.50	\$23.18	\$23.85	\$24.60	\$25.35
1.0"	\$37.50	\$38.63	\$39.75	\$41.00	\$42.25
1.5"	\$75.00	\$77.25	\$79.50	\$82.00	\$84.50
2.0"	\$120.00	\$123.60	\$127.20	\$131.20	\$135.20
3.0"	\$240.00	\$247.20	\$254.40	\$262.40	\$270.40
4.0"	\$375.00	\$386.25	\$397.50	\$410.00	\$422.50
6.0"	\$750.00	\$772.50	\$795.00	\$820.00	\$845.00
8.0"	\$1,200.00	\$1,236.00	\$1,272.00	\$1,312.00	\$1,352.00
10.0"	\$1,875.00	\$1,931.25	\$1,987.50	\$2,050.00	\$2,112.50
Non-Residential Volumetric Rates are per 100 cubic feet (CCF) of water consumed, as provided by East Bay Municipal Utility District					
All Non-Residential	\$6.30	\$6.49	\$6.68	\$6.88	\$7.09

REVIEW & ANALYSIS

In order to levy sewer service rates on property tax bills for FY 2023-24, the City Council must hold a hearing on the report of charges to be submitted to the County for collection for that fiscal year. Following the hearing, Council may adopt a Resolution and direct the Filing of Charges for Collection by the County Tax Collector. The Resolution must be approved by a two-thirds vote of the City Council.

The City recently completed a Sanitary Sewer Master Plan and staff is in the process of performing CCTV inspections to identify structural and maintenance defects throughout the sanitary sewer collection system. Future sewer service rates will be developed based on the condition assessment and improvements identified in the Sanitary Sewer Master

Plan. Staff expects to commence a sewer rate study in the Fall to establish future sewer service rates and recommends that FY 2023-24 sewer service rates remain equal to those of FY 2022-23. Assessment information for FY 2023-24 is due to the Contra Costa County Assessor no later than August 10th each year.

The proposed Resolution (Attachment A) will maintain the FY 2023-24 sewer service rates equal to those of FY 2022-23 sewer rates for an additional fiscal year, through June 30, 2024. Mailing notices to each property owner is not required because the sewer service rate will not be increased above the current sewer service rate. Willdan Financial Services is contracted to administer the tax roll process on behalf of the City. Willdan will submit the tax roll to the Contra Costa Assessor's office.

Sewer charges are exempt from voter approval under Proposition 218. However, if a new or increased sewer charge is to be imposed, the City Council must conduct a protest hearing 45 days after mailed notice to property owners. If more than 50% of the property owners protest against the fees, the fees may not be imposed. In addition, the property owners are given an opportunity to voice their concerns on the method of collection. Because sewer rates will not be increased for the FY2023-24 year, the Propositions 218 process is not applicable. The most efficient and least costly method of collecting the sewer service charge is to place it on the annual property tax bill.

Staff recommends that City Council approve and adopt the Fiscal Year 2023-24 sewer service rate and order the Fiscal Year 2023-24 levy of the sewer service rate contained therein. The proceeds of the levy must be used for operation and maintenance of the City's sewer system.

FISCAL IMPACT

For FY 2023-24, the City expects to receive approximately \$5,820,256 in revenue resulting from the proposed sewer service rates.

ATTACHMENTS

- A. Resolution
Exhibit A- Schedule of Sewer Service Rates for Fiscal Year 2023-24

RESOLUTION NO. 2023 – XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE SETTING THE CITY'S SEWER SERVICE RATES FOR FISCAL YEAR 2023-24, AND DIRECTING THAT SAID SEWER SERVICE RATES BE PLACED ON THE CONTRA COSTA COUNTY PROPERTY TAX ROLL

WHEREAS, the City of Pinole ("City") operates a municipal sanitary sewer system that transports and disposes of all sewage collected from residential and non-residential customers within the City for treatment; and

WHEREAS, due to ongoing costs of operating the sewer system including, but not limited to, (i) costs of sewage transportation, treatment and disposal, (ii) costs for facilities and equipment maintenance, (iii) costs for capital projects and financing, including bonded debt service, (iv) costs for billing and account management, as well as, (v) continued increases in the cost of goods and services, a sewer service rate or charge (hereinafter collectively referred to as "sewer rates" or "rates") must be charged to users; and

WHEREAS, the City commissioned a "Wastewater Rate Study", prepared by Willdan Financial Services and dated May 2018 ("Rate Study"), analyzing the City's sewer revenue requirements and leading to the rate structure that was adopted by Resolution 2018-66, for the period of FY 2018-19 through FY 2022-23, to proportionately allocate the costs of providing sewer service rates to its residential and non-residential customers; and

WHEREAS, a copy of the Rate Study is on file with the City Clerk and by this reference is made a part of the record of these proceedings; and

WHEREAS, pursuant to California Health & Safety Code, Section 5473, and by adoption of Pinole Municipal Code, Chapter 13.05, the City of Pinole has elected to collect its sewer service rates for each fiscal year on the property tax roll of Contra Costa County, containing descriptions of each parcel of real property located in Pinole receiving such sewer services, and the amount of the sewer service rate for each parcel to be placed on the property tax roll; and

WHEREAS, this Council, by the adoption of applicable ordinances, as authorized by Section 53340 of the Government Code of the State of California, has authorized the levy of such special taxes of the sewer service rates; and

WHEREAS, the amount of the annual sewer service rates for each parcel for Fiscal Year 2023-24, remains unchanged from Fiscal Year 2022-2023.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The City Council is hereby authorized and directed to determine or cause to be determined the specific rates and amounts of the special tax to be collected from taxable parcels within the Sewer Services Areas for Fiscal Year 2023-24.
2. The amounts of the residential and non-residential sewer service rates, as set forth in Exhibit "A" attached hereto and incorporated by reference herein, are hereby approved and adopted by the City Council of the City of Pinole, pursuant to California Health & Safety Code, Section 5471. The sewer service rates set forth herein shall be effective only for Fiscal Year 2023-24. The City Council may amend these rates by ordinance, resolution, or minute action in accordance with applicable law.
3. On or before August 10, 2023, the City shall file with the Contra Costa County Auditor this Resolution as approved by the City Council. The City Clerk shall endorse upon her signature that the sewer service rates have been finally adopted by the City Council in conformity with Health and Safety Code Section 5470 et seq. Subject to approval as to form by the City Attorney, the City Manager or designee, is authorized to execute and enter into any and all standard agreements required by the Contra Costa County Auditor as a pre-condition to the placement of the sewer service rates contemplated herein on the annual tax roll and for the collection of the same by the Contra Costa County Auditor. The City Manager or his designee is further authorized to complete and submit all such documentation and provide all such information as may be required by the Contra Costa County Auditor for the collection of the subject sewer service charge.
4. The County Auditor of the County of Contra Costa shall enter on the County Assessment Roll opposite each parcel of land the amount of levy, and such levies shall be collected at the same time and in the same manner as the County taxes are collected. After collection by the County, the net amount of the levy shall be paid to the City Treasurer.
5. The provisions of this Resolution are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Resolution or their applicability to other persons or circumstances.
6. The City Council hereby approves and adopts the Fiscal Year 2023-24 sewer service rates and orders the Fiscal Year 2023-2024 levy of the sewer service rates contained therein. The proceeds of the levy shall be used for operation and maintenance of the City's sewer system.

7. The adoption of this Resolution constitutes the Fiscal Year 2023-24 sewer service rates, and shall become effective upon its adoption.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Pinole held on this 8th day of August, 2023, 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 8th day of August, 2023.

Heather Bell, CMC
City Clerk

EXHIBIT A

SCHEDULE OF SEWER SERVICE RATES FOR FISCAL YEAR 2023-24

	July 1, 2023
Single-family	\$73.62
Multiple family including Accessory Dwelling Units	\$62.58
Non-Residential Users, Minimum charge – based on water service size as provided by East Bay Municipal Utility District	
5/8"	\$16.90
3/4"	\$25.35
1.0"	\$42.25
1.5"	\$84.50
2.0"	\$135.20
3.0"	\$270.40
4.0"	\$422.50
6.0"	\$845.00
8.0"	\$1,352.00
10.0"	\$2,112.50
Non-Residential Volumetric Rates are per 100 cubic feet (CCF) of water consumed, as provided by East Bay Municipal Utility District	
All Non-Residential	\$7.09