

**CITY COUNCIL MEETING
MINUTES
January 16, 2024**

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

The City Council Meeting was held in a hybrid format (in-person and via Zoom videoconference and broadcast) from the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Toms called the Regular Meeting of the City Council to order at 5:02 p.m. and led the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT

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

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

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

A. COUNCILMEMBERS PRESENT

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

B. STAFF PRESENT

Neil Gang, Interim City Manager/Police Chief
Heather Bell, City Clerk
Eric Casher, City Attorney
Stacy Shell, Human Resources Director
Sanjay Mishra, Public Works Director
Markisha Guillory, Finance Director
Lilly Whalen, Community Development Director
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on January 11, 2024 at 4:30 p.m. with all legally required written notices. No written comments had been received in advance of the meeting.

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

4. CONVENE TO A CLOSED SESSION:

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: Greg Ramirez, IEDA Employee Organization:
Management Compensation Plan (MCP)

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 6:00 p.m., Mayor Toms reconvened the meeting into open session. There was no reportable action from the Closed Session.

6. CITIZENS TO BE HEARD (Public Comments)

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

James Tillman, Pinole, expressed concern that 7-Eleven had not been completed; asked the status of the Safeway property; asked that the Police Reserves be brought back to the City of Pinole since the Police Department should be expanded; and reported that Lucky Stores had closed one of its entry doors due to theft although that posed a problem for those with accessibility issues. He asked the City Attorney to provide information on local, state and federal Americans with Disabilities Act (ADA) laws.

Mayor Toms asked the Interim City Manager to provide a response in the weekly report on the status of the 7-Eleven and Safeway projects, and to look into the protocol for police volunteers.

Irma Ruport, Pinole, wished everyone a Happy New Year and thanked former Mayor Murphy for a productive 2023. She suggested the hiring of consultants had become routine for the City and that the hiring practices and needs of the City should be reevaluated prior to hiring a consultant. She described her preferred criteria when considering consultant services, suggested more timely responses be provided from the City Clerk's Office on Public Records Act (PRA) requests, and suggested the City Attorney's Office should be open to the public with detailed information related to lawsuits along with identifying relative costs to the City, to be posted on the City website and reported out to the City Council.

Ms. Ruport also suggested the hiring of the new City Manager should be advertised, past practices should be improved, and involvement from the community should be provided on what residents wanted in a City Manager to ensure the best qualified candidate.

Rafael Menis, Pinole, reported on the continued presence of COVID-19 in the community, the rate of hospitalization in Contra Costa County which had risen to the moderate level and evidence the current COVID-19 variant varied significantly from other variants. He strongly encouraged everyone to get the current COVID-19 booster shot and urged the community to use higher levels of caution until such time as the rate of infection decreased, including wearing masks in crowded and indoor settings. He also wished everyone a Happy New Year.

7. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Recognizing Police Officer of the Year

The City Council read into the record a proclamation recognizing Jeffrey Teel as 2023 Pinole Police Department Officer of the Year.

Pinole Police Officer Jeffrey Teel thanked the City Council, staff and family members for the honor.

Mayor Toms reported that Pinole Rotary would have a Crab Feed on February 10, 2024 to honor the cities of Hercules and Pinole 2023 Police and Firefighter of the Year, with more information on the Rotary website.

Council member Martinez-Rubin thanked Officer Teel who had been her first contact during a recent situation and she commended his response and service to the City of Pinole.

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

2. Recognizing Jaime Castillejos Marroquin and Norman Montiel-Garay for their Heroism in Stopping a Carjacking in Pinole

Interim City Manager/Police Chief Neil Gang introduced Commander Jeremy Crone and Administrative Assistant Maria Cabrera who read into the record a proclamation (both in English and Spanish) recognizing Jaime Castillejos Marroquin and Norman Montiel-Garay for their heroism in stopping a carjacking in the City of Pinole. Both men were also presented Certificates of the Community, and both thanked the City Council for the recognition.

The City Council thanked both men for their courage and grateful service to the community.

PUBLIC COMMENTS OPENED

Anthony Vossbrink, Pinole, echoed the comments and appreciation to both men but commented on his understanding the Chevron minimart where the incident occurred had been the subject of incidents in the past. He suggested the City should consider ways to improve security along Fitzgerald Drive and the victim and manager of the Chevron station to also consider recognition of the men's heroism. He otherwise suggested it was important to put this matter into perspective and asked that the City not promote public citizens going into the line of fire given the men had been injured in the course of the incident. He asked that a warning be provided to the public as other communities had done that such situations should be handled by law enforcement.

PUBLIC COMMENTS CLOSED

3. Recognizing Firefighter of the Year

The City Council read into the record a proclamation recognizing Josh Andrews as 2023 Contra Costa County Fire Protection District Firefighter of the Year.

Contra Costa County Fire Protection District (CCCYPD) Battalion Chief Whit McDonald accepted the proclamation on behalf of Firefighter Josh Andrews and thanked the City Council for the recognition.

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

Mayor Toms recognized the following proclamations which were not read into the record but had been included in the agenda packet.

4. Martin Luther King Jr. Day
5. National Day of Racial Healing
6. Holocaust Day of Remembrance

PUBLIC COMMENTS OPENED (Items 4 through 6)

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

PUBLIC COMMENTS CLOSED

B. Presentations: None

8. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements: None

B. Mayoral & Council Appointments: None

C. City Council Committee Reports & Communications

Mayor Toms reported she had attended a League of California Cities orientation to the 2024 Policy Committee and she would be serving on the Housing Community and Economic Development Policy Committee with a meeting scheduled for Friday, January 19, 2024; she had attended the December and January Mayors' Conferences and briefed the City Council on a presentation from the East Bay Regional Parks District (EBRPD) and the appointment of new representatives to the Hazardous Materials Commission. Commenting on the issue of retail theft, particularly due to students coming into stores and as a result of a recent incident, she had met with Walgreens local and corporate management along with representatives from the Pinole Police Department and the administration from Pinole Valley High School. Pursuant to a recommendation from the Pinole Police Department, Walgreens would limit students' entrance into the store and if students were asked to leave a store and did not do so, they could be cited for trespassing. Similar incidents had occurred at CVS due to the proximity of the nearby middle school and she had reached out in the last week to the Assistant Manager of CVS. She offered to facilitate a meeting between CVS and the Pinole Police Department and she understood the West Contra Costa Unified School District (WCCUSD) had been informed of this issue.

Mayor Pro Tem Sasai reported the San Francisco Bay Trail between the Pinole Shores Staging Area and Bay Front Park would be closed from early to mid-February 2024 to repair a 100-foot section of the trail damaged by a landslide during the 2022/23 winter storms, with construction to take approximately two months. He thanked Elizabeth Echols, EBRPD Ward 1 Board member and Vice-President for her advocacy in moving the matter forward. He also provided an overview of events he had attended including Mayors' Conferences, West Contra Costa Transportation Advisory Committee (WCCTAC) special meeting, breakfast for West County electeds and a Grand Opening for Teaspoon Pinole. He also welcomed the new Council Interns and wished everyone a Happy New Year, Martin Luther King Jr. Day, and looked forward to the work in 2024.

Mayor Toms added the Friends of Pinole Creek would host a litter pick-up on Saturday, January 20, 2024 at 10:00 a.m. Everyone was asked to meet behind Sprouts.

Council member Murphy provided an overview of the 511 Contra Costa Winter Walk Challenge, to run through mid-March, with more information at 511contracosta.org/walk; and reported the League of California Cities Transportation Communications and Public Works Policy Committee would meet on January 18, 2024, and briefed the City Council on the items to be discussed. He wished everyone a Happy New Year and outlined a number of new transportation laws for 2024, with more information on the 511 Contra Costa website.

Council member Tave wished everyone a Happy New Year and reported on the outcome of recent California Public Utility Commission (PUC) actions regarding infrastructure revenue requirements for PG&E, rate increases and a number of other topics. He also reported that Contra Costa County had information on resources to deal with cold weather. In addition, Nordstrom Rack had opened and residents were encouraged to participate in public meetings and let their voices be heard.

Council member Martinez-Rubin reported she had participated in the WCCUSD School Tour; Municipal Finance Institute hosted by the League of California Cities, and briefed the Council on the topics presented, with more information on the League of California Cities website.

Council member Martinez-Rubin also reported that the Revenue and Taxation Policy Committee would meet on January 18, 2024. She also reported that she had spent time with the Interim City Manager to walk and highlight Pinole Creek, with the City to pursue along with members of the public a discussion of how to mitigate litter in the creek. She added that the first program meeting of the Pinole Historical Society would be held on February 2, 2024 from 6:30 to 8:00 p.m. at Pinole Library, with a presentation on the Carquinez Bridge.

D. Council Requests for Future Agenda Items

Mayor Pro Tem Sasai requested a proclamation to recognize Music Repertoire, which would celebrate its 25th anniversary as a small business in the City of Pinole. Consensus given.

Mayor Pro Tem Sasai requested an update to the City's Procurement Policy to add a preference for the purchase of American union-made vehicles.

Mayor Toms suggested the request be considered by the Municipal Code Update Subcommittee, which could consider folding in procurement policies for electric vehicles (EV) as part of the City's Climate Action Plan (CAP).

City Attorney Eric Casher confirmed the Municipal Code Update Subcommittee could consider the request and the request was so referred.

Mayor Pro Tem Sasai requested a discussion to create a potential Communications Department under the City Manager's Office that may include moving Information Technology (IT) and Pinole Community Television (PCTV) staff under that department.

As to whether the request was under the purview of the City Manager's Office or the City Council, City Attorney Casher suggested that could be discussed at the staff level, with staff to follow-up with the Mayor Pro Tem on how to move the request forward.

Council member Murphy asked that staff also provide the history of the establishment of other City Departments as part of the same request, which City Attorney Casher confirmed could be provided.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, asked the City Council to consider a condemnation of Hamas' attacks on the State of Israel and a call for a bilateral cease fire between Hamas and the State of Israel as a future agenda item. He provided the statistics from the conflict for those who had been displaced, killed, wounded, destruction of medical infrastructure throughout the Gaza strip along with the challenges to provide supplies and aid. He provided a number of reasons why a cease fire was warranted and emphasized the regional implications of the possibility of expanding the conflict to other areas, such as Lebanon, which would be disadvantageous to the strategic interests of the United States given current other priorities which he also detailed. He urged the City Council to support a resolution backing a cease fire.

Anthony Vossbrink, Pinole, requested a formal presentation from the Police Department on crime in and around the City, particularly traffic and pedestrian citations, stops, ticketing, arrests and the like pre-, during and post-COVID.

Mr. Vossbrink requested that information be presented to the City Council and the Traffic and Pedestrian Safety (TAPS) Committee as a future agenda item, which he pointed out had previously been agreed would be provided. He also requested a study for a six-month satellite sub-station with two police officers stationed in property on the 1400 to 1500 block of Fitzgerald Drive including Appian Way as a future agenda item.

PUBLIC COMMENTS CLOSED

E. City Manager Report / Department Staff

Interim City Manager Neil Gang reported that Community Services Director Jeremy Rogers would be leaving the City of Pinole, and he expressed his appreciation for the work he had provided and wished him well. Maria Picazo had been named as Acting Community Services Director, and he would work with the Human Resources Department to initiate a national recruitment for the position. He also reported a consultant had been retained to update the City's Emergency Operations Plan (EOP) with a meeting scheduled for January 25, 2024, and with all Department Heads involved as part of that process. In addition, he outlined the City of Pinole citywide app which was in the testing phase to be downloaded in February, to be shared through the City's communication channels at that time.

Public Works Director Sanjay Mishra provided an update on Public Works Operations and Activities. Since the last report to the City Council from October 2023, there had been 86 resident requests received and logged into the system, with eleven outstanding items with pending service requests including street lights, facilities, roads and pothole repairs. Work requests involved facility and park maintenance, illegal dumping, roadwork, storm drain, wastewater and traffic issues. He advised that over 32 pothole locations had been addressed.

Public Works Director Mishra added that recruitment was ongoing for two engineering staff positions and he was working with the Human Resources Director to include flexibility in the job classifications, which would come to the City Council soon. He expected both positions would not be filled for another four to five months and he would return to the City Council at its next meeting with a request for appropriation of funds for those positions.

Interim City Manager Gang reported the Police Department would provide an update to the City Council on February 20, 2024, updates from the CCCFPD had been scheduled for March 19, 2024, and the remaining departmental updates would be scheduled thereafter.

In response to Council member Murphy, City Clerk Bell confirmed that agenda forecasts could be provided to the City Council.

Council member Murphy sought more information on how data had been progressing when updates had been provided by the Public Works Department in the future and suggested it would be helpful for the consistency of the monthly reports to be the same as they moved forward.

Public Works Director Mishra advised that the software program used by the Public Works Department could provide the information requested and Interim City Manager Gang confirmed staff would work to ensure the reports were provided monthly.

In response to Council member Tave, Public Works Director Mishra provided an overview of how the public notified the Public Works Department of a request for service, either via email or telephone call, with the data input into the software system used by the Public Works Department.

Council member Martinez-Rubin asked for a breakout of the category of road service to distinguish between pavement and curb painting, and eventually as the City increased its technology use it would be helpful to have an idea of the status of the complaint received.

Public Works Director Mishra clarified that staff had looked at various systems to post the status of services but the platform had not yet been finalized. He acknowledged the need to show a prompt response to the public to report on the status of service requests.

Mayor Toms asked that the report from the Public Works Director be posted in the City's annual newsletter.

F. City Attorney Report

City Attorney Eric Casher reported there was a new series of laws and ordinances that had gone into effect in 2024, and the Municipal Code Update Subcommittee would meet on January 22, 2024 to discuss a range of ordinances moving forward including those necessitated as part of the update to the Housing Element.

PUBLIC COMMENTS OPENED (Items 7E through 7F)

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

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 December 5, 2023
- B. Receive the December 2, 2023 – January 12, 2024 List of Warrants in the Amount of \$2,622,428.60, the December 8, 2023 Payroll in the Amount of \$523,176.33, the December 22, 2023 Payroll in the Amount of \$514,089.35, and the January 5, 2024 Payroll in the Amount of \$616,892.96
- C. Adopt a Resolution Approving Side Letter Agreement to the Memorandum of Understanding Between the City and AFSCME Local 1 to Amend Article II – Recognition and Attachment A – Salary Schedule **[Action: Adopt Resolution per Staff Recommendation (Stacy Shell, Charlene Davis)]**
- D. Receive the Quarterly Report on Implementation of the Strategic Plan for Fiscal Year (FY) 2023/24 First Quarter **[Action: Receive Report (Nail Gang, Fiona Epps)]**

- E. Authorize the Interim City Manager to Execute the Purchase of Vehicles for Public Works Operations and Maintenance Division at a Total Cost Not to Exceed \$128,000 **[Action: Adopt Resolution per Staff Recommendation (Joseph Bingaman, Sanjay Mishra)]**
- F. Adopt a Resolution Authorizing the Interim City Manager to Execute a Contract with Client First Technology Consulting through FY23/24 for System Administration Support and Implementation of New Permitting/Licensing System **[Action: Adopt Resolution per Staff Recommendation (Lily Whalen, Sanjay Mishra)]**
- G. Award a Contract for Engineering Services for the RO2302 Safety Improvements on Arterial Roadways Project (CIP Project #RO2302) to CSW/Stuber-Stroeh Engineering Group in an Amount Not to Exceed \$37,000 **[Action: Adopt Resolution per Staff Recommendation (Sanjay Mishra)]**
- H. Approve the 2024 Council Committee Assignment List **[Action: Adopt Resolution per Staff Recommendation (Heather Bell)]**
- I. Adopt a Resolution Amending the On-Call Agreement with M-Group for Fiscal Year 2023/2024 **[Action: Adopt Resolution per Staff Recommendation (David Hanham)]**
- J. Adopt a Resolution Authorizing Designated Staff to Accept Disaster-Related Financial Assistance from Federal and State Programs **[Action: Adopt Resolution per Staff Recommendation (Markisha Guillory)]**
- K. Adopt a Resolution to Approve the Successor Agency Recognized Obligation Payment Schedule (ROPS) for Fiscal Year 2024/25 **[Action: Adopt Resolution per Staff Recommendation (Markisha Guillory)]**
- L. Adopt a Resolution to Accept the Safety Improvements at Tennent Ave/Pear & Plum St. (CIP Project #R02304) as Complete and Approve Filing a Notice of Completion **[Action: Adopt Resolution per Staff Recommendation Sanjay Mishra)]**

Council member Murphy requested that Item 9J be removed from the Consent Calendar for discussion.

Council member Martinez-Rubin requested that Items 9F and 9H be removed from the Consent Calendar for discussion.

PUBLIC COMMENTS OPENED

James Tillman, Pinole, spoke to Item 9C, and expressed concern with the state having a problem with the Public Employee Retirement System (PERS) and with the number of retirees that had placed a burden on the system to the effect that the state could reduce payments to PERS retirees. He asked whether Item 9C included any information to address an increase in the PERS amount to retirees to ensure funds.

Human Resources Director Stacy Shell explained that costing had been performed on the action shown as Item 9C by the Finance Department, and she suggested the concern would be better answered by the Finance Director.

Irma Ruport, Pinole, referenced Item 9B and asked about the furniture costs as shown in the amount of \$30,000. She asked whether that was a one-time cost. She also commented on the attorney fees and requested more information on the hours spent by officials and individuals since even if salaried they must account for the hours spent, which would be more transparent to the public. She requested that information be included for this year and that the hours be posted in the future. For Item 9D, specifically for the City's EOP, she understood the City had hired a consultant to update the EOP and asked why firefighters had not been included since they had a City representative for the EOP. She also understood the City had hired a grant writer and commented on her understanding a higher City official had attended a conference where grant information had been provided but never communicated to the City. As a result, the City had lost that grant opportunity since required deadlines had been missed. She asked who the grant writer reported to and whether the grant writer would train staff members. She had information on grants available to the City and could email that information to staff.

Ms. Ruport liked the idea of removing PCTV from the Recreation Department, and noted it had been under the City Manager's Department in the past and should be put back under the auspices of the City Manager's Department and expanded.

Mayor Toms clarified the CCCFPD had participated in the preparation of the EOP but had not prepared it alone. She had participated as part of her day job in those plans where the CCCFPD had also participated.

Mrs. Ruport reported she had spoken with a member of the CCCFPD who was unaware of Item 9D and she urged greater transparency.

As to Item 9F, Council member Martinez-Rubin referenced Page 127 of 250 of the agenda packets and asked in the future that staff ensure the agreement itself reflected the current Interim City Manager since Page 127 had referenced former City Manager Andrew Murray and should be corrected to read: *Interim City Manager Neil Gang*.

For Item 9H, City Clerk Bell identified a correction to Page 194 of 250 of the agenda packet, with Item 18. Project Labor Agreement Ad Hoc Subcommittee to be removed from the final version of the Council Committee Assignment List, as approved by the City Council on December 5, 2023.

For Item 9J, Council member Murphy asked how the City tracked readiness for the California Office of Environmental Emergency Services and other state agency grants. He also clarified the action proposed as part of Item 9J and asked how the process had come about.

Finance Director Markisha Guillory clarified the City had onboard a grant consultant who was on retainer, with the City receiving a monthly memo of all grant opportunities as well as earmark opportunities from the federal government. There had also been meetings with executive staff to identify needs and to find where there were gaps in funding to find those resources. The process had come about through the Public Works Director working with the Federal Emergency Management Agency (FEMA) to secure reimbursement for storm damages that had occurred in December 2022/January 2023.

As part of that process, funding had come from the federal government and the California State Office of Emergency Services (Cal OES) with a specific form required to be on file, as listed in the staff report, with titles as opposed to names used in the event names changed, as part of the action of Item 9J.

As to whether the City Council could receive copies of the monthly memos from the grant managers, Finance Director Guillory stated that could be provided. While staff had not currently scheduled a presentation from the grant managers to the City Council that could be facilitated by staff. She further clarified the City's contribution to PERS had been based on PERS annual valuation report, as provided by PERS to all agencies that were part of the system, which had factored in returns, investments and losses. The numbers had been budgeted and the City had no control as an agency to make any changes to those contributions.

ACTION: Motion by Council members Martinez-Rubin/Murphy to approve Consent Calendar Items 9A through 9L, with revisions as identified for Items 9F and 9H.

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

10. PUBLIC HEARINGS

- A. Introduce and Waive the First Reading of an Ordinance Amending Chapter 17.54 of the Pinole Municipal Code to Include a Prohibition on Political and Campaign Signs **[Action: Introduce and Waive the First Reading of Ordinance (Eric Casher)]**

City Attorney Eric Casher provided a PowerPoint presentation. The City Council was asked to introduce and waive the first reading and introduce an ordinance amending Chapter 17.54.030 of the Pinole Municipal Code (PMC) to include campaign signs and other political material among generally prohibited signage on public property.

Mayor Pro Tem Sasai asked how the ordinance changed or improved enforcement of the process, and City Attorney Casher advised the ordinances in the PMC were the framework, with code enforcement being the practical side. With clearer language in the PMC, the City could cite the actual language and the City Council and Interim City Manager may direct staff to be more proactive to retrieve campaign signs from a practical standpoint.

Mayor Pro Tem Sasai asked about the example ordinances from the cities reviewed by the Municipal Code Update Subcommittee, which had been the strictest ordinances.

City Attorney Casher advised that some cities had robust definitions of a political sign and the type of content. Staff proposed a more general description of political signs in part to align and be consistent with the First Amendment on speech.

Mayor Pro Tem Sasai understood the action being requested of the City Council involved a minor text amendment.

City Attorney Casher confirmed the change was relatively minor while from a practical standpoint it was significant allowing the City the authority to cite if needed.

Council member Martinez-Rubin asked what materials would be made available at candidate orientations to explicitly identify a prohibition of campaign material posted on public property and to identify public property.

City Attorney Casher explained if the amendment to the ordinance was adopted it would be included in materials to all candidates and candidates would also be encouraged to share those materials with volunteers. In addition, as part of the next election cycle, if campaign signs were retrieved, staff could have conversations with the campaigns to let them know when signs were retrieved, advise of the ordinances in place and inform volunteers of the ordinance.

Council member Martinez-Rubin commented that the PMC did not mention the dimensions for campaign signs. She commented that during the 2022 election cycle, there had been clever ways in which campaign material had been displayed on San Pablo Avenue; in one instance by covering a vehicle with signage, and she was uncertain that met the language of the ordinance.

City Attorney Casher clarified the amendment to the ordinance prohibited campaign signage on City property and there was a reference to someone holding a sign in a park, as an example, which was permitted. There had been issues with campaign signs on vehicles parked on San Pablo Avenue, which was a different issue and technically not City property, but a private vehicle parked on a City right-of-way (ROW) would be dealt with on a case-by-case basis.

Council member Tave suggested over the next couple of years the City would have to grow into the regulations and have a discussion on what was reasonable. He found the ordinance amendment to be reasonable and would change the way people campaigned.

Council member Martinez-Rubin referenced Attachment A, Pinole – Campaign Sign Ordinance, Page 226 of 250 of the agenda packet, Section 4. Severability, and clarified with City Attorney Casher, the statement in that section which read: *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*, which was standard language and which had been included in all City contracts. If the ordinance was adopted and the state later adopted a minor change to the law, the requirements in no way would invalidate the entire ordinance and the City would have to go back and clean up the ordinance to ensure consistency.

PUBLIC HEARING OPENED

James Tillman, Pinole, commented that in 2007 he had taped campaign signs on his vehicle and had checked with his and other attorneys and had been informed that was free speech and could not be regulated. He otherwise commented the area of Fitzgerald Drive included a lot of signage about homes for sale making the area unsightly and he asked whether such advertisements should also be considered in the ordinance.

City Attorney Casher clarified that campaign signage was allowed to be affixed to one's vehicle, but if a vehicle was parked for a period of time beyond that permitted in the PMC and not moved that would involve a different violation of the PMC.

Irma Ruport, Pinole, commented that during the prior election cycle there had been a situation with political materials that had been distributed in a mailer from a Council member that had been elected. In that case, there should have been a fine imposed along with an apology. She suggested the ordinance should include fines. She also commented she had seen signs at the Senior Center and asked whether a member of the public could remove campaign signs and take them to City Hall.

City Attorney Casher recommended if anyone saw campaign or other signage on public property, they should notify City staff or code enforcement to remove the signage making it less contentious.

City Clerk Bell clarified that staff and code enforcement did a good job responding to members of the public when responding to concerns with respect to political signage. When political signage was retrieved, staff held the sign and engaged with the campaign to educate the campaign and volunteers prior to returning the signs.

PUBLIC HEARING CLOSED

ACTION: Motion by Council members Martinez-Rubin/Murphy to waive the first reading and introduce an ordinance amending Chapter 17.54.030 of the Pinole Municipal Code (PMC) to include campaign signs and other political material among generally prohibited signage, consistent with the current general prohibition of affixing signs to City property by private parties.

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

11. OLD BUSINESS: None

12. NEW BUSINESS

A. Revised Long-Term Financial Forecast and Results of the City Council-Directed Forecast Scenarios [Action: Adopt Resolution per Staff Recommendation (Markisha Guillory)]

Finance Director Markisha Guillory provided an extensive PowerPoint presentation of the Revised Long-Term Financial Forecast and the results of the City Council directed forecast scenarios. She recommended the City Council receive the revised 20-year General Fund status quo financial forecast (FY 2024/25 – FY 2044/45) and the results of the City Council directed forecast scenarios and direct staff on which revenue enhancement and/or expenditure reduction options to pursue.

Finance Director Guillory responded to specific questions from the City Council on each of the Long-Term Financial Forecast Scenarios, as outlined in the January 16, 2024 staff report.

Finance Director Guillory clarified each of the scenarios and explained that if the City Council were to consider a ballot measure, direction could be to engage a polling firm. She also clarified that excise taxes must be used for certain purposes. If an excise tax was imposed on sugar, as an example, the City would have to turn to experts for more information and tap into resources around sales taxes where there were databases on the types of goods that could be considered.

Finance Director Guillory also clarified that there were 6,000 residential parcels in the City of Pinole, although she was uncertain of the total number of “all” parcels in Pinole and would have to return with that information. She recognized the forecast was far out and speculative, there would be ebbs and flows in the economy, but the intent was for the City to be prepared in the long term, which was exactly what the forecast had shown. As to the franchise fee with PG&E, she clarified it had no end date, went back to the 1960s or 1970s, and was uncertain whether an amount could be negotiated. She also walked through Attachment B, Results of the Forecast Scenarios as part of the staff report, and clarified the Other Options for Consideration, which did not require voter approval, had also been outlined in the staff report.

Mayor Toms suggested a survey be considered to solicit input from the public on each of the Long-Term Financial Forecast Scenarios. She identified the pros and cons for each of the scenarios and suggested the City Council should move forward with a solid waste franchise fee increase, a reduction of 4 percent of the budget as an option that would not require voter approval, and the development of a survey that would develop the threshold residents might be interested in. She also understood that if too many ballot questions were asked, things would be washed out and the City had to figure out what could be the most successful scenario for passage.

In response to Council member Murphy, Finance Director Guillory again walked through the Other Options for Consideration. An Enhanced Infrastructure Financing District option had previously been discussed by the City Council with no action to move forward. A feasibility study had been identified as part of the economic development strategy, although she questioned whether all items in the Economic Development Plan for Year One had been approved to move forward.

Community Development Director Lilly Whalen clarified that looking and studying the item was in the Economic Development Strategy and she would have to verify whether it was in Year One or Year Two. If the City Council wanted to move that up as a priority to study, that direction should be given to the Finance Director at this time or at a subsequent City Council meeting.

Council member Murphy asked whether that objective would require additional staff time since he recalled the City Council had already approved that objective and process and the feasibility of that study should already be done and would require a public engagement process. He also recalled the City Council had a directive for staff to look into shared service models and what it would look like for a Public Works partnership between the City and the County. He wanted to see what that assessment would look like, if a directive of the City Council and would be interested in staff doing that research as the City Council had agreed to do.

Mayor Toms clarified an Enhanced Infrastructure Financing District was similar to redevelopment. For a feasibility study, she suggested they start with a conversation with the County auditor/controller to determine whether any of them had established in the County and whether the taxing entities would cooperate. She expressed the willingness to do some checking as well.

Finance Director Guillory confirmed the scope of the feasibility study may also look at or survey others to see how they were set up and they could start where the Mayor recommended.

Council member Murphy also supported that type of conversation with the County prior to any decision on the issue.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, commented that a few of the baseline assumptions seemed to have changed from a prior report in November 2023, which needed to be clarified, and he asked if that was due to more conservative estimates or whether there were underlying causes. As to the Other-Post Employee Benefits (OPEB), he assumed the projected future expenditures had not included OPEB, just a five percent increase for medical costs but did include the unfunded pension liability that would ultimately resolve itself by 2044/45.

Mr. Menis asked whether the magnitude of decrease that would be required to make the lines converge completely if there were no revenue increases shown, and if there was a combination of cuts and revenue increases or just revenue increases, how many of them would be required to be combined in order to get the line to fill up all the way past 2030. Since none of the scenarios got the two lines to meet after 2030 not accounting for OPEB, deferred maintenance, roadways, but just meeting existing obligations with no single measure being sufficient, and he asked what combination of measures would be sufficient to meet that line and it was important for that to be shown. He also asked what cuts meant in practice, whether a four or five percent cut, whether it meant four to five percent of staff laid off, cuts to costs of wages or health care and he wanted more information what that meant in practice.

James Tillman, Pinole, commented the City needed to come up with a way to measure income and revenue. He also understood the City had double the sewage mass than the City of Hercules, with more occupants living in single-family homes, particularly rentals, and asked whether those costs had been calculated, with consideration of charging those property owners which should be considered as another avenue for revenue. He emphasized the City would have problems in the future, needed to expand, was around 99 percent built-out and the only way for the City to expand would be to consider expansion through the Local Agency Formation Commission (LAFCO) as the City of Hercules had done. He added that the City of Hercules did not pay for the lease of equipment on Pinole land related to the wastewater treatment plant and as the City of Pinole was the landlord of that property that should also be considered as a possible source of revenue.

Mayor Toms hoped the members of the Pinole-Hercules Wastewater Treatment Plant Subcommittee would raise that issue at a future meeting.

PUBLIC COMMENTS CLOSED

Council member Tave asked staff to pursue adding a half-cent or one cent sales tax measure, add a Real Property Transfer Tax, (RPTT), add a parcel tax (\$100 annually per residential parcel), increase the Utility User's Tax (UUT) from 8 percent to 10 percent with a 10-year sunset, and expand the UUT to be levied on water service and an excise tax on sugar, and provide as much information to the public as possible on the options, with staff to do the due diligence of what was right for the City of Pinole and what was palatable for 2024.

Finance Director Guillory clarified on the discussion that a half-cent was the maximum allowed for the sales tax measure scenario. She also confirmed that for an excise tax, such as a sugar tax as an example, if a product was taxed the funds must be used for specific programs and would not relieve or replace the General Fund or some other expense the City already had.

Council member Murphy supported the combination of and exploration of the possibilities identified and recommended polling. He again clarified with the Mayor the example of an excise tax, for sugar as an example, would require the revenue to be used on some other special program that addressed the consumption of the sugar for health benefits. The City had no budget item that would address that and it would not change any of the revenue and expenditure lines.

Finance Director Guillory reiterated the revenue would have to be connected to a special purpose related to health.

Council member Tave offered a motion, seconded by Council member Murphy to direct staff to explore the following scenarios: Add a half-cent sales tax measure, add a Real Property Transfer Tax (RPTT), add a parcel tax (\$100 annually per residential parcel), increase the Utility User's Tax (UUT) from 8 percent to 10 percent with a 10-year sunset, and expand the UUT to be levied on water service and an excise tax on sugar, and provide as much information to the public as possible on the options.

Mayor Toms emphasized education and polling was needed to allow the City Council to obtain as much information as possible to get a successful proposal.

Council member Martinez-Rubin commented the City was now taking those discussion items to the public for help, but there were difficulties that polling would not cover. When the time came to educate the public, at some point the City Council needed to discuss what that would entail and would have to understand from the pollsters how the measure could be presented in such a way where the public would understand the results or effects of their votes one way or another along with the implications of what that would mean.

ACTION: Motion by Council members Tave/Murphy to direct staff to explore the following scenarios: add a half-cent sales tax measure, add a Real Property Transfer Tax (RPTT), parcel tax, increase the Utility User's Tax (UUT) from 8 percent to 10 percent with a 10-year sunset, and expand the UUT to be levied on water service and an excise tax on sugar, provide as much information to the public as possible on the options and direct staff to hire a public research and engagement team for the exploration of those items.

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

In terms of the feasibility study to include an Enhanced Infrastructure Financing District as an option and in response to Council member Murphy, Finance Director Guillory advised that direction was needed to move forward with a feasibility study.

Community Development Director Whalen clarified that an Enhanced Infrastructure Financing District had been included in Year One of the Economic Development Strategy, the last quarter of the Year One activities as planned out. If the City Council so directed, she could work with the Economic Development Consultant and try to move that up in the timeline as soon as possible.

Interim City Manager Gang advised a motion was not needed and staff would work on the issue, as stated. He would also work with the Community Development Director on the taxing agencies to be included.

Council member Martinez-Rubin understood the attraction of an Enhanced Infrastructure Financing District was that the City may receive tax increment but they could not assume the amount, and more study was needed and when that tax increment would be received needed to be clarified.

Finance Director Guillory reported it would take around 24-months to form an Enhanced Infrastructure Financing District.

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.*

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

Council member Tave asked that the meeting adjourn in memory of his brother Derick Andre Tave whose life he highlighted at this time.

14. ADJOURNMENT to the Special City Council Meeting of January 30, 2024 in Remembrance of Amber Swartz and Derick Andre Tave.

At 9:48 p.m., Mayor Toms adjourned the meeting to the Special City Council Meeting of January 30, 2024 in Remembrance of Amber Swartz and Derick Andre Tave.

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council: February 6, 2024

