

**CITY COUNCIL MEETING
MINUTES
August 8, 2023**

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 Pro Tem Toms called the Special Meeting of the City Council to order at 5:01 p.m. and led the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT

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

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

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

A. COUNCILMEMBERS PRESENT

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

COUNCILMEMBERS ABSENT

Devin Murphy, Mayor

B. STAFF PRESENT

Andrew Murray, City Manager
Alex Mog, Assistant City Attorney
Heather Bell, City Clerk
Misha Dhillon, Capital Improvement and Environmental Program Manager

City Clerk Heather Bell announced the agenda had been posted on Thursday, August 3, 2023 at 2:15 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. 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.

Andrew Uch, Pinole, stated he had lived in the City of Pinole all his life and he liked the diverse culture as opposed to other areas of the state. He emphasized the importance of infrastructure which determined the quality of life. In that regard, he advocated for better infrastructure in Pinole, particularly for bicyclists and public transit. He detailed his family's personal experience having to drive a vehicle to their jobs rather than be able to walk or bicycle. He found residents of Pinole wanted better bicycle infrastructure and public transit and at a minimum suggested the frequency of bus stops be increased or improvements be made to the existing bicycle network. Having reviewed the City's plans for bicycle improvements, he found there were no plans for bicycle improvements other than re-pavement of some City roads. Such investment would benefit the City economically and ecologically, particularly during global warming.

Cordell Hindler, Richmond, referenced the July 18, 2023 City Council meeting and expressed concern the public and invited guests had to wait 40 minutes for the City Council meeting to reconvene, which had shown a lack of transparency. During the same meeting, speaker Anthony Vossbrink's comments had been cut off, which was inappropriate, and having spoken to other West County Mayors, he had learned that in other cities speakers were allowed to complete their comments. In addition, he had reviewed the City's budget and advocated for the position of Assistant City Manager, who could be designated as the second-in-command when the City Manager was not available. He asked that the funds for the position be allocated for next year's budget.

5. PUBLIC HEARING

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

Capital Improvement and Environmental Program Manager Misha Dhillon provided a PowerPoint presentation for the Sewer Service Rate Assessment for Fiscal Year 2023-2024, which included the background, levy and future sewer service rate with all information contained in the August 8, 2023 staff report. She recommended the City Council conduct a public hearing regarding the sewer service rate to be collected on the Fiscal Year (FY) 2023-24 tax roll and adopt a resolution approving the sewer service rates for Fiscal Year 2023-24 and direct the filing of Charges for Collection by the County Tax Collector.

Council member Tave clarified with Ms. Dhillon the City expected to receive approximately \$5.8 million in revenue from the proposed sewer service rates, which included the last three percent increase that had been approved and with no increase built in from the last year. There were no changes proposed to the current rate and the funds would go to the Sewer Fund.

Council member Sasai asked for more details on the next steps for the proposed Rate Study and asked whether the plan was for staff to return with a five-year wastewater rate proposal.

Ms. Dhillon explained that in the past a five-year period had been pursued, although since heading into fall and because there would now be a full condition assessment, a different structure may be prescribed. When the study commenced and was ready to be accepted, it would be presented to the City Council. If for a five-year period, annual rate increases would be built in but as an example, with a five-year period, industry standards may have changed based on what the consultant provided moving forward. She added that generally annual rate increases had been built in. Staff was waiting for the collection system and CCTV work to be completed, and while the process could have been started earlier, they were waiting for the completion of the Sewer System Master Plan and the completion of the Collection System before identifying costs for improvements.

Council member Tave asked whether this action included the City of Hercules, and Ms. Dhillon clarified that the action would be just for the City of Pinole's collection system.

PUBLIC HEARING OPENED

Rafael Menis, Pinole, asked absent a rate study whether the City was still legally able to impose and continue rates at the prior rate. Once the rate study had been completed, he asked when new rates could be imposed. He also commented that absent the data from the treatment studies, whether staff had a rough idea as yet as to how much of an increase would be expected over a five-year term once the new studies had been implemented.

PUBLIC HEARING CLOSED

Assistant City Attorney Alex Mog stated in response to the public comment that the City still had the authority to impose the rate increase. The prior rate study that had been the basis of the prior five-year study supported and provided justification for the rates, although additional study was needed if rates were to be increased.

Ms. Dhillon commented that when the new study had been completed, if not in place or accepted by the City Council this time next year, staff would likely keep the rate consistent unless the rate study had been accepted and approved by the City Council, at which time staff would ask that a new levy be imposed as of July 1 of the new fiscal year. She added there was not enough information at this time to gauge what that five-year structure may look like to estimate a potential increase.

ACTION: Motion by Council members Martinez-Rubin/Sasai to adopt a resolution for 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.

Vote:	Passed	4-0-1
	Ayes:	Toms, Martinez-Rubin, Sasai, Tave
	Noes:	None
	Abstain:	None
	Absent:	Murphy

6. ADJOURNMENT to the Regular City Council Meeting of August 15, 2023 in Remembrance of Amber Swartz.

At 5:22 p.m., Mayor Pro Tem Toms adjourned the meeting to the Regular City Council Meeting of August 15, 2023 in Remembrance of Amber Swartz.

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council: September 5, 2023

