

**CITY COUNCIL MEETING  
MINUTES  
September 5, 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 Regular Meeting of the City Council to order at 5:00 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**

Devin Murphy, Mayor\*  
Maureen Toms, Mayor Pro Tem  
Norma Martinez-Rubin, Council Member  
Cameron Sasai, Council Member  
Anthony Tave, Council Member  
\*Arrived at 5:15 p.m.

**B. STAFF PRESENT**

Andrew Murray, City Manager  
Eric Casher, City Attorney  
Heather Bell, City Clerk  
Markisha Guillory, Finance Director  
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on Thursday, August 31, 2023 at 3:30 p.m. with all legally required written notices. Written comments had been received in advance of the meeting, distributed to the City Council, posted on 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.

**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. PUBLIC EMPLOYEE APPOINTMENT**

Gov. Code § 54957

Title: Interim City Manager

**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 6:21 p.m., Mayor Murphy reconvened the meeting into open session and announced there was no report 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.

Bob Kopp, Pinole, asked the City Council to view the last televised Community Services Commission meeting given a discussion at that time that he stated should not have happened and which he found to be disgraceful. He requested a call back from one of the five Council members after a review of that meeting.

Irma Rupert, Pinole, also asked the City Council to view the last televised Community Services Commission meeting. As a new member of the Commission, she stated things had been said which should not have been said and she had tried to correct misinformation provided during the meeting. She urged the City Council to review the meeting and, in all fairness, also asked the Council to review the rules and procedures, code of conflict and guidelines for all City Commissions. She stated some members had been on the Commission for years without consideration of term limits and the Chair had served as the Chair for some time. She also noted that she had applied to serve on the Commission two years ago but had been told she was too political, although she had been appointed to some community groups. She commented that she was fair, clear and true to herself and again urged the Council to review the video of the meeting.

**7. REPORTS & COMMUNICATIONS**

**A. Mayor Report**

**1. Announcements**

Mayor Murphy presented the monthly Mayoral Update video for the month of September and thanked Pinole Community Television (PCTV) and City staff for their assistance with the video.

B. Mayoral & Council Appointments: None

C. City Council Committee Reports & Communications

Mayor Pro Tem Toms reported she and Council member Tave had participated in the Municipal Code Update Subcommittee meeting with a discussion of an ordinance on Single-Use Plastics, with a review of a number of different ordinances from neighboring cities to be further discussed at the next meeting of the Subcommittee.

Council member Tave confirmed that he had participated in the Municipal Code Update Subcommittee meeting when a lot of data had been provided by staff.

Council member Sasai reported the City Seal Ad Hoc Subcommittee meeting had been rescheduled for September 6, 2023.

Council member Martinez-Rubin referenced new construction at 811 San Pablo Avenue which would consist of 33-units of veterans housing and reported a ground breaking ceremony had been held last month at which time the work of City staff and prior and current City Councils had been acknowledged. She invited the public to an event sponsored by the San Pablo and Pinole Historical Societies on September 8, 2023 at 6:30 p.m. at the Sportsman's Club, with a program on the El Pinole Grant to be provided.

#### PUBLIC COMMENTS OPENED

City Clerk Bell reported there were no comments from the public.

#### PUBLIC COMMENTS CLOSED

D. Council Requests for Future Agenda Items

**ACTION: Motion by Mayor Pro Tem Toms/Council member Tave for staff to prepare information on a bond measure for both a tax exempt and taxable bond measure to pay for infrastructure, with the taxable portion to consider whether there were any micro loans that could be offered to citizens to help pay for their lateral connections, to be considered on a March or November 2024 ballot.**

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

Council member Tave requested staff prepare information on any other micro loans or funding vehicles that may work for citizens or any other type of tax measures to be compared with a report as part of the upcoming Long-Term Financial Plan (LTFP) as a future agenda item.

Mayor Murphy reported the City Council had been provided a memorandum on August 10, 2023 from the Assistant to the City Manager and the Finance Director with information on the process and timeline for placing a measure on the November 2024 ballot. He understood both the Mayor Pro Tem and Council member Tave wanted to circle back to that memorandum as part of a future discussion for all items that could be considered on a future agenda for any issue related to the taxation topic, and Council member Tave confirmed that was the intent of his request.

Council member Sasai requested a future discussion to consider renaming or naming a facility, park or specific part of Pinole to honor and educate the public about the Ohlone people.

Mayor Pro Tem Toms stated the City had a Naming Subcommittee that considered such items. She supported a referral of the recommendation to the Naming Subcommittee.

**ACTION: Motion by Council members Sasai/Tave to refer a request to consider renaming or naming a facility, park or specific part of Pinole to honor and educate the public about the Ohlone people to the Naming Subcommittee.**

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

#### **PUBLIC COMMENTS OPENED**

Cordell Hindler, Richmond, requested that future agenda items include a presentation from Contra Costa County Supervisor John Gioia regarding a study to address the homeless population; a proclamation for Breast Cancer Awareness Month and a presentation from Danny Wan or representative on the Port of Oakland's plans as it recovered from the pandemic.

Anthony Vossbrink, Pinole, requested future agenda items include an invitation to the Public Health Department to provide a presentation on the latest COVID-19 variants, information on vaccines and a report from the Police Department on traffic numbers pre, during and post pandemic.

Rafael Menis, Pinole, requested a report on a Utility User's Tax (UUT) on water or wastewater as a future agenda item. He read into the record information from Measure S (November 2010), a tax measure the City had considered in the past but which had failed and which he suggested would be worthwhile for the City to reconsider.

#### **PUBLIC COMMENTS CLOSED**

**ACTION: Motion by Mayor Pro Tem Toms/Mayor Murphy to place on the calendar an invite for a representative from the Public Health Department to provide an update in the coming months.**

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

**E.       City Manager Report / Department Staff**

City Manager Andrew Muray stated he had no report although the Finance Director had information in response to questions raised during a prior City Council meeting about the List of Warrants.

Finance Director Markisha Guillory provided clarification in response to an inquiry from Council member Martinez-Rubin regarding the dates in the List of Warrants and why there were overlaps. She explained that there was a pattern of running the report to include the last day of the previous accounts payable cycle, and the system staff used allowed whatever dates were desired to be entered. In this case, the last day as opposed to the first day of the previous cycle had been entered. This issue had been corrected and there had been no double payments to vendors. She added there were good checks and balances in the system to ensure that did not happen.

**F.       City Attorney Report**

City Attorney Eric Casher reported the Municipal Code Update Subcommittee had recently met with some outreach planned for the business community with respect to the Single-Use Plastic Ordinance, anticipated to be presented to the City Council in the fall of 2023 or early 2024.

**PUBLIC COMMENTS OPENED (Items 7E through 7F)**

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

**PUBLIC COMMENTS CLOSED**

**8.       RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS**

*Proclamations were taken out of order as they had been shown on the meeting agenda.*

**A.       Proclamations**

**1.       Acknowledging the Retirement of John Anderson**

The City Council read into the record a proclamation acknowledging the retirement of John Anderson as Public Works Maintenance Worker after more than 30 years of service to the City of Pinole.

Public Works Maintenance Worker John Anderson stated that working for the City of Pinole had allowed him to achieve several goals and he thanked everyone for the honor and privilege of having served the City of Pinole for more than 30 years.

The City Council again expressed its appreciation and extended its deepest gratitude to Mr. Anderson for his service to the City.

City Manager Murray added that he had enjoyed getting to know Mr. Anderson as a person and was pleased he had achieved his goals. He wished him well on his retirement.

## **2. Building and Code Staff Appreciation Day**

The City Council read into the record a proclamation recognizing September 1, 2023 as Building and Code Staff Appreciation Day, which was presented to the City's Chief Building Officer Keith Marks.

Chief Building Officer Keith Marks thanked the City Council and City staff, and looked forward to getting to know the residents of Pinole.

## **3. California Firefighter Memorial Day**

The City Council read into the record a proclamation recognizing October 14, 2023 as California Firefighter Memorial Day, with more information on the event on the CAL FIRE website. The Contra Costa County Fire Protection District (CCCYPD) Annual Fallen Firefighter Memorial Service had been scheduled for September 11, 2023 at 11:00 a.m. at Contra Costa Fire Station No. 11 located in the City of Clayton.

CCCYPD Assistant Fire Chief Lon Goetsch thanked the City Council for the recognition, encouraged those interested to participate in all California Firefighter Memorial events, and also recognized the firefighters present in the Council Chambers.

## **4. Constitution Day**

The City Council read into the record a proclamation recognizing September 17, 2023 as Constitution Day.

## **5. National Suicide Prevention Week**

The City Council read into the record a proclamation recognizing September 10-16, 2023 as National Suicide Prevention Week.

## **6. Suicide Prevention Day**

The City Council read into the record a proclamation recognizing September 10, 2023 as Suicide Prevention Day.

Council member Tave reported that 9-8-8 was a 24-hour/7-day a week hotline for those in crisis and texting "home" would reach a crisis counselor when needed.

## **7. National Punctuation Day**

The City Council read into the record a proclamation recognizing September 24, 2023 as National Punctuation Day. The proclamation was presented to Council member Martinez-Rubin.

## 8. Rosh Hashanah

The City Council read into the record a proclamation recognizing September 15-17, 2023 as Rosh Hashanah.

PUBLIC COMMENTS OPENED (Item 8A, 1-8)

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

PUBLIC COMMENTS CLOSED

### **B. Presentations**

#### 1. ConFire

CCCYPD Deputy Chief Brian Helmick provided a detailed PowerPoint presentation entitled Fire, Rescue, EMS Update City of Pinole City Council, the first of planned quarterly updates that included an overview of CCCYPD (ConFire), which provided countywide fire, rescue, EMS and ambulance services and which was one of the largest special fire districts in the state dedicated to the preservation of resident life and property. An overview of the CCCYPD crews and facilities and a detailed list of projects and programs that had been completed or were planned was also provided.

CCCYPD Deputy Chief Helmick highlighted Calls for Service for the City of Pinole over the period of March through July 2023; incidents responded to by Fire Stations 73 and 74 and non-Station 73 and 74 units; Calls for Service related to wildfire threat and details on fire safety for residents. More information was available on the CCCYPD website @cccypd.org.

Council member Martinez-Rubin asked where people were being transported if responding to a medical emergency and the time of transport.

CCCYPD Deputy Chief Helmick explained it would depend on the circumstances. He described an incident this date in the driveway at Fire Station 73, which involved an infant with a partial obstruction. He detailed the steps involved in responding to the incident from the call to dispatch and the collaborative emergency response chain between law enforcement, fire and EMS, and reported the infant was expected to make a full recovery. He commended all emergency responders involved and clarified that in a case involving an infant, the infant would be transported to Children's Hospital in the City of Oakland. If a trauma, the patient would be transported to John Muir Hospital in the City of Walnut Creek. For regular medical aid, such as a stroke or cardiac arrest, the patient would be transported to the nearest medical facility able to treat the situation. Additional specifics on the criteria for patient transportation could be discussed with Council members off-line.

CCCYPD Deputy Chief Helmick further responded to Council member Martinez-Rubin on how to deal with a call to 911 dispatch and dealing with stressful situations. He explained why 911 dispatch asked certain questions and while redundant and systematic those questions were important to provide the information needed for how emergency responders prepared to respond to a specific call.

Council member Sasai asked for more information on the Calls for Service in the City of Pinole and what made certain areas of Pinole more susceptible to wildfires than others.

CCCFPD Deputy Chief Helmick again walked through the Calls for Service for Pinole which provided information on the types of calls with a trend in Pinole for medical aid. He also highlighted the Community Risk Assessment (CRA) for wildfire trends which was evaluated to determine trends in each community to allow preventative measures to be taken.

Mayor Pro Tem Toms thanked CCCFPD Deputy Chief Helmick for the presentation and for the continued communication with the City.

Council member Tave understood Pinole had a lot of medical calls and with two engines there would be more coverage to the Pinole community, but he continued to have concerns with individuals suffering from cardiac arrest, as an example, in terms of proximity to hospitals. He asked about the number of Calls for Service that required an airlift to a nearby hospital.

CCCFPD Deputy Chief Helmick detailed the response criteria for trauma-related patients who would go to John Muir Medical Center or other facilities such as U.C. Davis or U.C. Stanford, if burn patients. Sometimes a patient was unable to be located other than via air resources due to many circumstances. Criteria, time and distance were all evaluated with the goal to have patients who were airlifted with all related traumas to a hospital within an hour or sooner.

CCCFPD Deputy Chief Helmick explained that air ambulance personnel were trained when to request air or ground resources. It was important to have access to all medical facilities in that the current challenges were not locations but getting patients to a hospital, offloaded and in the transit care to the hospitals. There was a statewide issue where patient offload times had been extended possibly up to hours and there had been difficulties transferring care, which in turn had resulted in difficulties getting the units back into service, ultimately increasing response times. He reiterated that the current challenge was not location and quantity of hospitals, but getting the resources to the hospitals and getting the resources back into service on the street.

#### **PUBLIC COMMENTS OPENED**

Irma Ruport, Pinole, referenced the Firewise program, which was very important and had been recently implemented in the City of Lafayette. She noted she had served on the Public Safety Committee in Pinole years ago and community partnership with Public Safety Officers was also very important. She had also been a member of a Neighborhood Watch and planned to return. She referenced a fire incident in her neighborhood years ago and the proximity of a multi-unit apartment complex, also in the same neighborhood, where Police and Fire had worked hand-in-hand to save structures in the neighborhood including her own home. She emphasized the importance of all Public Safety Officers working together and expressed the willingness to assist in a Firewise program for the City of Pinole and surrounding areas.

Ms. Ruport otherwise commented on the amount of misinformation in the community regarding the partnership between the City of Pinole and the CCCFPD and that the CCCFPD was unable to attend and participate in City events, not because the CCCFPD was not allowed to participate but that the City had not extended an invitation to attend community events. She asked how that communication could be opened up to allow participation from the CCCFPD in City events.



Vincent Wells, referenced the proclamation for California Firefighter Memorial Day and thanked the City Council for the recognition. He also thanked CCCFPD Deputy Chief Helmick for the detailed presentation on the services provided and to be delivered by the CCCFPD to the City of Pinole. He had worked with many of the elected officials to support the contract between the City of Pinole and the CCCFPD. He was pleased with the resources being provided to the City and he thanked the City Council for its support, approval of the CCCFPD contract and commented on the positive feedback from the personnel from Fire Stations 73 and 74 along with the community acceptance. He added that Assembly Bill (AB) 40 would try to deal with the ambulance download times at hospitals and he asked the City Council to support AB 40.

#### **PUBLIC COMMENTS CLOSED**

CCCFPD Deputy Chief Helmick responded to the public comments and explained that the CCCFPD was supportive of Firewise communities and had worked with multiple jurisdictions throughout the CCCFPD to establish Firewise communities. He understood there were ongoing grassroots efforts in Pinole and neighboring communities to establish a Firewise community and he asked the City Council to ask City staff for his contact information so he could provide direct contact information for the Program Coordinators.

CCCFPD Deputy Chief Helmick also clarified in terms of CCCFPD participation in community events that as the CCCFPD had grown and its scope of work had increased, one of the challenges was providing the grassroots effort of a volunteer organization where people lived and worked in town and provide that community relationship. There were challenges with current resources to cover all community events in the 12-city CCCFPD coverage area and the CCCFPD could not dedicate engines to all community events. The CCCFPD made an effort to make resources available, when possible, for community events and wanted to be proactive and communicate. The CCCFPD website contained more information on Firewise communities and contacts, contact information for CCCFPD staff and a public education section on the website, which contained information for the CCCFPD to set up a booth during community events, subject to a two-week advance notice.

CCCFPD Deputy Chief Helmick further stated with respect to AB 40 that he could work with City staff and the Mayor to forward background information and provide sample letters for City Council consideration. He reported the California Special District Association was neutral on AB 40 but had been monitoring the topic and the Fire Department Associations and California Fire Chiefs were in full support of AB 40 and addressing the long-time issues.

**ACTION: Motion by Mayor Murphy/Mayor Pro Tem Toms to direct staff to work with the CCCFPD to draft a letter of support for AB 40 for consideration at the next regularly scheduled City Council meeting.**

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

Mayor Murphy thanked CCCFPD Deputy Chief Helmick for his partnership and continued work for the City of Pinole and Contra Costa County.

## 2. Car Show Committee

Bob Kopp, representing the Pinole Car Show Committee, reported that donations to PCTV and the Pinole Senior Center would involve the Car Show Committee purchasing items from a list both entities needed to be shipped to them. Checks from the Car Show Committee were also presented to representatives from Pinole Swim Team, Bay Area Peacekeepers, Meals on Wheels, Pinole-Hercules Little League and Police Explorers, with some representatives of those organizations present in the Council Chambers. He also individually thanked each of the 29 sponsors for the event and encouraged the public to support each business. In addition, he expressed his appreciation to the Pinole Police and Public Works Departments for their assistance during the Car Show along with the owner of the parking lot, where over 320 vehicles had participated in the event. He also thanked the City Council for providing funds and for participating in the event. He announced that in 2024, the Car Show would be held the last Sunday of the month of June.

Tom, a member of the Bay Area Peacekeepers Program, described their work in the City of Richmond where around \$12,000 had been donated for toy drives over the years. He thanked the Car Show Committee for the donation.

Mayor Murphy thanked Mr. Kopp for his service and commended all of the sponsors.

### PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, thanked Mr. Kopp for his involvement in the Pinole Car Show and the committee for an outstanding job. He noted the positive feedback he had received in the community and looked forward to the 2024 event.

Mr. Kopp identified the event website at [pinoleclassiccarshow.com](http://pinoleclassiccarshow.com).

### PUBLIC COMMENTS CLOSED

## 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 Special City Council Meeting on August 8, 2023 and the Regular City Council Meeting on August 15, 2023
- B. Receive the August 12, 2023 – September 1, 2023 – List of Warrants in the Amount of \$1,017,849.94, the August 18, 2023 Payroll in the Amount of \$587,293.34 (\$527,212.41 Regular Payroll: \$60,081.00 Local 1 Retention Payments) and the September 1, 2023 Payroll in the Amount of \$501,049.23
- C. Approve an Amendment to the Employment Agreement for the City Clerk **[Action: Adopt Resolution per Staff Recommendation (Shell)]**

- D. Appoint Councilmembers as Voting Delegates to Represent Pinole at League of CA Cities Annual Conference General Assembly **[Action: Appoint Voting Delegates by Minute Order per Staff Recommendation (Bell)]**
- E. Adopt Resolution Authorizing the City Manager to Award Two-Year Contracts to Townsend Public Affairs and Evan Brooks Associates for Grant Research, Writing and Management Services and Authorizing the Finance Director to Amend the Adopted Budget to Allocate Funds from the General Fund Unencumbered Fund Balance **[Action: Adopt Resolution per Staff Recommendation (Guillory)]**
- F. Authorize Response to Grand Jury Report No. 2306 “Affordable Housing: A Plan Without a Home” **[Action: Approve and Authorize the Mayor to Sign the Response to the Grand Jury Report on Affordable Housing per Staff Recommendation (Whalen)]**
- G. Award a Contract to Tetra Tech to Complete an Energy Conservation, Generation and Storage Assessment in an Amount Not to Exceed \$47,938 **[Action: Adopt Resolution per Staff Recommendation (Mishra)]**
- H. Ordinance Amending Pinole Municipal Code Section 2.04.200 Council-Manager Relations and Section 2.12.010 Time of Regular City Council Meetings **[Action: Adopt Ordinance on Second Read per Staff Recommendation (Casher)]**
- I. Adopt a Resolution Authorizing the Application to and Participation in the California Department of Housing and Community Development (HCD) Prohousing Designation Program **[Action: Adopt Resolution per Staff Recommendation (Whalen)]**

Council member Sasai requested that Item 9A be removed from the Consent Calendar for a correction.

#### PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, spoke to Item 9F, Page 233 of 322 of the agenda packets, Grand Jury Finding, F1, and the City’s response, as shown. While he understood the City’s response, he also understood to the extent Pinole took responsibility for achieving the Regional Housing Needs Allocation (RHNA) permitting targets, that responsibility ultimately fell on the Community Development Director, which should be noted in the response and which clarification would be helpful.

Mr. Menis referenced Item 9I and encouraged the City Council to adopt the resolution as shown since it would make it easier for the City to gain grants, get buy-in from developers for new projects, make the process of developing housing easier and act as a signal to the community and to broader entities interacting with Pinole to actually implement all of the RHNA and other projects. It would also show the City was taking concrete steps to make that happen and would continue to do so in the future.

Cordell Hindler, Richmond, referenced Item 9C and expressed his appreciation for the hard work of the City Clerk who ensured agendas were distributed in a timely manner. He encouraged the City Council to approve the item as shown. For Item 9D, he supported the item as shown. For Item 9H, he supported the revisions that would allow City Council direction to the City Manager to bring items forward in the long term.

#### PUBLIC COMMENTS CLOSED

Mayor Murphy referenced Item 9C and reported pursuant to Government Code Section 54953(c)(3), Item 9C was a recommendation to provide the City Clerk with a four percent Cost of Living (COLA) adjustment in accordance with the employment agreements. The item had no fiscal impact on the General Fund as the COLA had already been incorporated into the fiscal year 2023/24 budget.

Council member Sasai requested an amendment to Item 9A, the Minutes for the Regular City Council meeting of August 15, 2023, as follows:

Page 18 of 322 of the agenda packet, the first paragraph under Item C. City Council Committee Reports and Communications, to be revised as follows:

*Council member Sasai reported he had attended the WestCAT Board of Directors meeting and briefed the Council on the discussions; and had met with representatives from the State Civil Rights Department to discuss an anti-hate initiative sponsored by the Governor's Office, which he detailed and which discussion he hoped to advance to the City Council. He also reported a resident of Pinole Shores had recently reached out to him about the collapsed portion of the Bay Trail. He had recently walked that portion of the trail with that individual and had reached out to the Ward 1 Boardmember of the East Bay Regional Park District (EBRPD). He hoped a presentation from the EBRPD would be made to the City Council to allow questions to be asked and solutions to be discussed*

**ACTION: Motion by Mayor Pro Tem Toms/Council member Martinez-Rubin to approve Consent Calendar Item 9A (as amended by Council member Sasai) and Items 9B through 9I, as shown.**

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

#### **10. PUBLIC HEARINGS: None**

*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.*

#### **11. OLD BUSINESS: None**

#### **12. NEW BUSINESS**

A. **Background Information on Commercial Cannabis Tax [Action: Receive Report and Provide Direction (Guillory)]**

Finance Director Guillory provided a PowerPoint presentation on Background Information on a Commercial Cannabis Tax, which included an overview of Proposition 64, the Adult Use of Marijuana Act (AUMA) that legalized the use of nonmedicinal cannabis for adults over the age of 21 where the state had developed statewide regulations for recreational cannabis, allowing licenses for adult-use businesses effective January 1, 2018. She also defined Commercial Cannabis Tax, as a tax imposed on the purchasers of cannabis and cannabis products from cannabis retailers, which tax may be a general tax (simple majority vote) or special tax (2/3 voter approval). If a special tax, the proceeds generated from the position of the tax required the funds to be placed in a separate fund outside of the General Fund earmarked for specific uses.

Finance Director Guillory clarified the Pinole Municipal Code (PMC) currently prohibited marijuana dispensaries and commercial marijuana cultivation. Voters may impose a tax on cannabis businesses if the City permitted them to operate by amending the PMC. She highlighted the considerations for the City to consider a Commercial Cannabis Tax, including the type of tax, general or special tax or revenue sharing agreement; type of retail, storefront or non-storefront; selection of cannabis retailers, requests for proposals for open application process; tax rate, appropriate tax rate to impose on retail cannabis sales and tax receipts; and the amount of revenue to be generated from the cannabis sales with the tax receipts as a percentage of the revenue budget and tax receipts compared to the total General Fund revenue budget.

Additional considerations included the rate in which the retail cannabis sales were taxed at the state and local levels, with the state imposing a 15 percent excise tax on gross receipts and with many jurisdictions having decreased and suspended their cannabis tax rates. There was a fair amount of experience with local commercial cannabis taxes, with an estimate for the City of Pinole required to make certain assumptions about retail business activity.

Finance Director Guillory highlighted the statistics of jurisdictions with Commercial Cannabis Tax measures from the cities of Benicia, Berkeley, El Cerrito, Emeryville, Hayward and Martinez, which included the type of tax for each jurisdiction and the percentage of General Fund Revenue Budget, as outlined in the September 5, 2023 staff report.

Finance Director Guillory recommended the City Council receive the report and provide direction as appropriate on next steps. She advised that staff would continue to work with consulting firm Baker Tilly to assist to identify local tax options.

Council member Sasai asked whether the City of Pinole was currently capturing any taxes from online retail sales for cannabis delivery to Pinole residents.

Finance Director Guillory stated she would have to review that since she currently did not believe the City taxed businesses that delivered cannabis to Pinole residents.

Council member Sasai understood the PMC currently prohibited marijuana dispensaries and commercial marijuana cultivation and asked whether a ballot measure would be required to change the PMC.

City Attorney Casher clarified that action would be done separately from a ballot measure via amendment to the current ordinance. He suggested the City Council wait for the results of a ballot measure to determine whether that amendment would be necessary. He clarified there were some permitted recreational grows available under state law, he was unsure of the number of plants residents may have, but the PMC restricted what was not permitted under state law.

Council member Sasai asked whether the City would engage with a consultant firm to assist with a fiscal analysis of a Commercial Cannabis Tax and conduct research and public outreach, and whether it would be feasible for a ballot measure to be included in the 2024 General Election, and Finance Director Guillory suggested 2024 would be feasible.

In response to the Mayor Pro Tem, Finance Director Guillory again clarified the statistics for the jurisdictions with commercial cannabis tax measures, particularly the information for the City of Berkeley. As to whether increased police services may be required by allowing commercial cannabis in the City, she was uncertain of the costs but noted that working out the regulatory structure would be a big part of the ballot measure, a question she could pose to the consultant.

Council member Tave commented that when he had been a member of the Planning Commission, there had been serious concern with the use of cash involved with commercial cannabis retailers and the policing that may be involved. He appreciated the information provided from other jurisdictions and asked whether the PMC prevented the City from generating any revenue from the cannabis industry.

City Attorney Casher advised there was nothing explicit in the PMC that would prevent the City from collecting tax revenue generated from commercial cannabis.

Council member Tave asked for more information on the Request for Proposal (RFP) process to select operators if the City were to consider the RFP process.

Finance Director Guillory described the RFP process as one that varied greatly, was a highly selective process with established criteria, applicable for a very short period of time where some cities had set up selection committees comprised of staff, elected officials and the public. She did not have specific examples of the RFPs used by the jurisdictions staff had researched.

City Attorney Casher added that typically the RFP process would involve the City Council directing staff to select numbers on the permits to be issued with the RFP to seek proposals from that number of operators, subject to specific criteria and there could be restrictions placed on zoning, conditions on the types of security involved and conditions to address safety concerns.

Mayor Murphy appreciated the statistical information from other jurisdictions in a chart form. He was interested in policing costs and estimates for the tax rate for staff time overall that would be involved depending on the tax rate option provided. He reported the Department of Health and Human Services had recently sent a letter to the Drug Enforcement Administration (DEA) to reclassify marijuana and cannabis as a Schedule 2 Drug, with cannabis open to medical and university research and income and state tax deductions. As the nationwide conversation progressed on this topic, he was curious how those changes in classification may impact the City of Pinole or change the City's relationship with Contra Costa College. He also understood a commercial cannabis business would be unable to bank in the City of Pinole.

City Attorney Casher explained that since the federal government regulated and treated marijuana as a controlled substance, most Federal Deposit Insurance Corporation (FDIC) banks approved by the federal government would not accept dispensaries as clients, which was part of the reason the state was considering the establishment of state level banking operations for dispensaries and why there was primarily cash involved in such businesses.

Mayor Murphy commented that as the City Council considered possible changes to the PMC, there needed to be further discussion on how to keep business owners and the community safe and understand the banking and financial aspect of the businesses. He also clarified with the Finance Director that there was some proprietary information involved from other jurisdictions that staff was unable to include in the statistical information provided from other jurisdictions and the reasons why that information was proprietary, such as the taxable sales from a specific dispensary as an example.

Mayor Murphy understood that a Commercial Cannabis Tax would be different from the cost of a business license and he clarified with the Finance Director the business license fee would fall in line with the business license structure. The City of Pinole's business license tax was different for different types of businesses and that would be evaluated for a commercial cannabis business to determine the business license fee rate.

Council member Martinez-Rubin understood that tax receipts were proprietary and smaller businesses in the City that were non-cannabis related were unable to determine their contribution to the overall sales tax revenue to the City. She asked whether there was an alternative way beyond volume of production, sales, square footage or other method that may appropriately include cannabis dispensaries. She suggested there was an incomplete discussion on the possible consequences of a commercial cannabis business, and finding the nexus between the proposed tax and the benefits to the City, remained to be discussed.

City Manager Murray commented that one of the difficulties of taking another jurisdiction's tax receipts and using it as a proxy for the City of Pinole was that there would be some cannibalization of sales from other areas. How many taxed commercial cannabis businesses that were located in each jurisdiction and how much they were earning overall in receipts was public information, but they could not link it to specific businesses, and they had to review the geography and demand to determine the likely sales.

Council member Martinez-Rubin stated the City Council needed to discuss what direction they wanted economic development to take and determine the benefits to the City. In addition to an actual retail outlet for such a product, she wanted to know the types of products available in a dispensary, such as anything that contained cannabis and what such a business needed to have in order to survive. She also wanted to know what made a cannabis business successful and sustainable in a small town and suggested there was historical information from the State of Colorado, the first state to allow cannabis to be legalized, which was worth checking out.

## **PUBLIC COMMENTS OPENED**

Rafael Menis, Pinole, asked whether the order in which the tax options were being presented as part of agenda Items 12A and B had been based on the likely amount of revenue to be generated or based on when things were ready, and asked whether there was a list of what would be presented.

Referencing the information for the City of Martinez, Mr. Menis found that the City of Martinez had a disproportionate rate of income based on its population size and raw percentage of budget, and with the exception of the City of El Cerrito, every other city had taxes shown as a general tax on gross profits. He noted the City of Martinez had a community benefits agreement that was non-public and not a tax required to be voted on by voters.

As to the public safety concerns with commercial cannabis businesses, Mr. Menis recalled in 2018 the reason the then-City Council had not moved forward with any potential taxes was that it wanted to wait to see the overall outcome with regard to safety concerns and implementation of the tax. He suggested there was currently enough data to address those issues and the public safety costs in order to make those decisions.

#### **PUBLIC COMMENTS CLOSED**

Council member Martinez-Rubin referenced the statistical information provided for the City of El Cerrito and clarified with the Finance Director the actual cannabis tax.

Finance Director Guillory acknowledged that based on the information the percentage had decreased even though the annual gross receipts had increased. She had no explanation for that and would try to get more information from El Cerrito.

Mayor Murphy asked how to consider the land use policies around permitting and asked whether that had been explored with the samples provided from other jurisdictions. He referenced a current referendum that separated refineries and other uses such as nursing homes, schools and other public places from cannabis businesses, and asked whether that would be part of Proposition 64 and whether staff had explored that issue.

City Attorney Casher confirmed there were restrictions and limitations where commercial cannabis dispensaries could be located under state law. The City may amend and update its zoning code to allow such a business as a permitted use in certain zones permitted under state law and in an area the City Council determined appropriate, which were typically industrial areas away from schools and community centers.

Mayor Murphy asked about the City's viability to actually have such businesses and where they could be located suggesting Fitzgerald Drive may be the only conducive location based on state law restrictions. He wanted more information from staff on that topic and prior to consideration of an update to the PMC.

City Attorney Casher reiterated the staff recommendation and stated the consulting firm would conduct that level of analysis, part of which would include the areas in the City where a cannabis dispensary may operate, which would inform the appropriate number and the sales tax revenue that could be generated from the different options. If the City Council wanted to move forward with that it could discuss the zoning code amendments that would be needed, amendments to the PMC and then the ballot measure itself.

Mayor Pro Tem Toms understood a Community Benefits Agreement would not go to the voters. She noted the cities of El Cerrito and Martinez had such an agreement which had shown a good amount of tax going to those jurisdictions.



Council member Sasai asked of the approximate cost for a consultant firm to conduct the fiscal analysis, to which Finance Director Guillory explained that HdL, the consulting firm the City had worked with on its sales and property taxes, had a unit dedicated to this topic and she could get quotes from the firm. She otherwise had no idea on the specific costs.

Council member Sasai suggested having that fiscal analysis information would be a good way to drive the conversation forward and also weigh the pros and cons of having cannabis in the City.

**ACTION: Motion by Council members Sasai/Tave to direct staff to engage with a consulting firm to assist with a fiscal analysis on a potential cannabis tax.**

<b>Vote:</b>	<b>Passed</b>	<b>4-1</b>
	<b>Ayes:</b>	<b>Murphy, Toms, Sasai, Tave</b>
	<b>Noes:</b>	<b>Martinez-Rubin</b>
	<b>Abstain:</b>	<b>None</b>
	<b>Absent:</b>	<b>None</b>

Mayor Murphy recommended staff consider partnership and collaboration with the Contra Costa County District Attorney's Office and the Contra Costa County National Organization for the Reform of Marijuana Laws (NORML). He reported in 2022, the District's Attorney's Office, NORML and some elected leaders had done a Town Hall presentation on cannabis consumption and commercial retail use, and he wanted to know the findings and whether anything had been done since that conversation. He was also interested in working with health partners, such as Kaiser Permanente and asked whether there was a way to help with the PMC update and where and how those health organizations would encourage a cannabis tax to be used, what programs the tax could be used for and coordinate efforts with the other jurisdictions staff had referenced.

**B. Background Information on Vacant Parcel Tax [Action: Receive Report and Provide Direction (Guillory)]**

Finance Director Guillory provided a PowerPoint presentation with background information on a Vacant Parcel Tax, a special, non-value based tax on real property generally based on either a flat pre-parcel rate or a variable rate depending on size, use or number of units on a parcel; levied on residential, condominium, nonresidential/commercial, undeveloped land; allowed uses to be broad or narrow; the tax must identify which services or facilities the tax proceeds may be used to fund; possible uses included police and fire services, parks and open space, infrastructure improvement and libraries; and because the vacant parcel tax was a special tax, it must be approved by a two-thirds vote of the electorate.

The City Council would need to determine the services to be funded by the tax, decide if the purpose of the tax was to raise money or make sure property was put to use, consider experience with vacant parcel taxes was limited and there would be significant lag in collecting the tax, and there would be exemptions related to financial hardships, non-profit organizations and land that may have underlying issues such as soil contamination where the land could not be developed.

Finance Director Guillory highlighted the details of other jurisdictions with a Vacant Parcel Tax that included the cities of Oakland and Berkeley, as outlined in the September 5, 2023 staff report.

Finance Director Guillory recommended the City Council receive the report and provide direction, as appropriate. She added as with the prior presentation, the City was currently working with consulting firm Baker Tilly to identify potential revenue generating opportunities and would provide recommendations on various local tax options. If the City Council desired, it could consider engaging a consulting firm to conduct a study to identify vacant parcels in the City and determine what the potential revenue could be if a vacant parcel tax was established in Pinole.

Council member Tave clarified the Vacant Parcel Tax used for the City of Berkeley. He commented on the number of vacant parcels in Pinole and he wanted some incentive for vacant properties and commented on the process of land banking. He understood a single-family residence may sit vacant for some time as well. He asked the number of vacant single-family homes in Pinole.

Finance Director Guillory stated she did not have that information and a similar question had been raised by a member of the public. Staff was working with the Community Development and Public Works Directors to identify those properties and capture that information for both residential and nonresidential properties.

Mayor Pro Tem Toms explained that the County Assessor's Office had a list with use codes that included vacant lots, vacant lots zoned for multifamily and commercial but she was uncertain how to know when a built condominium or single-family residence was vacant since PG&E would likely not inform the City of non-service to the property. She would be curious to know how many lots in Pinole had a use code of vacant lot. She added she had been contacted by some property owners of vacant land in Pinole, who were not necessarily land banking, but who did not want to sell the property at a loss given that construction costs had risen to the point the property was not feasible for development. Taxing those properties may force a sale that may result in a loss to the property owner.

Council member Sasai asked whether the Vacant Parcel Tax could be designed to be proportional to the parcel size, to which Finance Director Guillory reiterated a Vacant Parcel Tax was a -special tax, a non-value-based tax on real property generally based on either a flat pre-parcel rate or a variable rate depending on size, use or number of units on a parcel.

Council member Sasai asked what other cities had done to close loopholes and address those who were land banking or who owned adjacent vacant parcels.

Finance Director Guillory explained she had not conducted that level of detail and would have to follow up. The City of Oakland had a detailed program with a lot of literature and she could review it further.

Council member Martinez-Rubin understood Council member Tave had requested this discussion as a future agenda item some time ago. She asked whether it was intended as a potential option to create revenue for the City or to increase the housing stock.

Referring to information provided for the Vacant Parcel Taxes in Oakland and Berkeley, Council member Martinez-Rubin commented on the shift in the anticipated volume of units available for housing and the tax revenue generated, with the revenue having decreased over time specifically in the City of Oakland, as an example.

Council member Martinez-Rubin also spoke to the unknown of available vacant lots in Pinole and the reason to consider any policy changes and consider the unintended consequences and risks to more than one segment of the community with a policy shift and the fact that this tax had been directed to property owners. She emphasized that taking the pulse of property owners was something that would have to be done. She asked about the minimum number of units over a range of tax levels that would make it cost beneficial to the City relative to the administrative costs associated with monitoring the fluctuation of vacancy rates of parcels and homes.

Mayor Murphy agreed there was a need for an answer at some point. He clarified with the Finance Director the City had a current process for property owners and tenants when a property had been rented with a tenant, where the property owner was required to disclose that information and obtain a business license from the City. Monitoring and ensuring vacancy and length of vacancy would be part of the proposed Vacant Parcel Tax, which staff described as a self-reporting model.

City Manager Murray advised some firms audited business licensees and if the City were to impose a Vacant Parcel Tax it may be a cost benefit for the City to engage a firm to provide that audit. The consulting firm HdL had worked with the City in the past and provided such services for different taxes with options to be more proactive with the City.

Mayor Murphy understood Oakland and Berkely wanted to not only ensure housing units but ensure stores had storefronts. He wanted more information on what the vacant parcel tax funds could be used for and more detail on the definition of vacant parcel taxes.

Finance Director Guillory explained that a vacant parcel tax was a special revenue tax based on vacant parcels. For the City of Berkely, its vacant parcel tax had been based only on residential units whereas Oakland's vacant parcel tax applied to commercial, undeveloped land, residential and condominiums.

Mayor Murphy also sought more information from out of state options that may have done similar vacant parcel taxes, and Finance Director Guillory stated she had not done a nationwide search although there was a similar vacant parcel tax used in Vancouver.

Mayor Murphy sought more information based on a global model and other options outside of the two provided for Oakland and Berkeley. He wanted more information on the administrative costs and working with the County Assessor's Office on their determination of vacant lots and more detail on the types of exemptions and the consequences good and bad related to the significant lag in the collection of the taxes with comparable models provided.

Finance Director Guillory clarified if the City were to put a measure on the ballot for 2024, information would have to be collected on the number of vacant parcels, length of vacancy, and what would be subject to the vacant parcel tax and it would then have to go on the tax roll. Revenue would not be realized until December 2026 or January 2027 based on the timing of how the tax rolls worked.

Mayor Pro Tem Toms reported the County Assessor's Office included a data point in its database that included an exemption if one lived in their home and where they could take that exemption, and if not and if a built residence, it was likely to be a rental and those were the people that should have a business license. A residential unit without a tenant was not reported to the County Assessor's Office and was not a data point that was collected.

Council member Martinez-Rubin read into the record census data for the cities of Oakland and Berkely, jurisdictions with populations larger than Pinole, while the information for those jurisdictions offered an inkling of what may be possible, they were not comparable to Pinole in terms of the taxes that could be yielded or generated for vacant lots. She emphasized that needed to be kept in mind.

Council member Sasai suggested a vacant parcel tax in Pinole would serve as a disincentive for property owners to hold on to undeveloped parcels for years and decades leading to sites used for illegal dumping and blight and would make Pinole a more livable city for all, and he offered some examples of undeveloped sites along the San Pablo Avenue Corridor. As the City checked the pulse of the property owners holding on to undeveloped parcels, the City should also check the pulse of small business owners and property owners of single-family properties adjacent to some of the City's undeveloped parcels.

Council member Martinez-Rubin suggested they should also keep in mind a problem that may be a code enforcement issue with a solution as opposed to changing an ordinance and levying taxes on private property. She did not recommend going the route of proposing a Vacant Parcel Tax without first knowing they had done all they could with the current PMC and staff available.

Mayor Murphy clarified the City Council was not imposing taxes but discussing the options with staff to return with more answers to questions. He pointed out the City's significant deferred maintenance and stated there was a need to discuss all viable options.

Council member Martinez-Rubin looked forward to future discussions on possible options.

#### **PUBLIC COMMENTS OPENED**

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

#### **PUBLIC COMMENTS CLOSED**

Council member Tave spoke to his intent for this agenda item and cited the number of vacant lots in the City, vacant storefronts and the City's housing needs and the direction developers were going. In his opinion, some of the vacant undeveloped parcels in the City needed vision and if that vision took years, the community was losing since these properties could be leased, changed to something different or provide parking while being sold. The City's Strategic Plan stated the City needed to be vibrant, and needed to ensure properties were moving. He understood this topic required more discussion and while he understood Oakland and Berkeley had Vacant Parcel Taxes that worked for those jurisdictions, he was confident there was a model for Pinole that would be fair to people. He commented there has been some potential seen in Pinole from realtors and developers and again suggested a vacant parcel tax could not only generate revenue but ensure an undeveloped parcel was put to use, and he again referenced the number of vacant parcels currently in Pinole.

Council member Martinez-Rubin emphasized the need to know who they were targeting and focusing on that, the yield to be obtained and the incentive to whom. She wanted to see what could be done prior to imposing or levying a tax on a certain sized lot and property owner.

Council member Tave suggested the concept of incentives had driven some recent development. He suggested penalties should also be discussed, suggested they were not targeting anyone and again suggested undeveloped vacant parcels were not benefitting the City.

Mayor Murphy commented that safety was another issue that should be kept in mind when considering vacant lots and how in some ways a vacant lot may have divided a community due to the lack of action and possibly sitting vacant for years. He suggested they should consider all financing options and ensure public properties in the City were set to good use and that residents felt safe in the community. He thanked the Finance Director for the options provided for discussion to set the tone for increasing the standards for a vibrant Pinole they were trying to build.

Mayor Pro Tem Toms suggested a database search of vacant parcels only could be done through ParcelQuest. She suggested property owners could be sent a postcard survey with a QR code indicating the City was considering a Vacant Parcel Tax and asking why the land was vacant so the City had a better understanding of the vacancy. She recognized some property owners may have purchased a lot as an investment, and there were likely different circumstances, but she would like to know the reasons. While a Vacant Parcel Tax was one tool to get these properties developed, she preferred an option that did not involve the cost of an election and the cost of collecting a tax. She noted a single-family residence or single-structure home, would not be reported as vacant other than stopping PG&E service, and PG&E did not share that information.

Council member Martinez-Rubin offered a motion, seconded by Council member Tave for staff to proceed as mentioned in the staff report, carry on and blend in this idea as part of an option the consultant was looking at as part of the LTFP the consultant was preparing for the City.

Council member Martinez-Rubin restated her motion when asked by Council member Sasai, to direct staff to approve the staff recommendation, as presented in the staff report, to work with the consultant involved with to take a look at the LTFP and consider what was presented today as one of the revenue-generating options.

Council member Sasai commented the motion, as stated, had not included the entire staff recommendation as shown in the staff report.

Council member Martinez-Rubin stated her motion had not included the second half of the staff recommendation unless that was what staff had in mind. She wanted to avoid additional costs and just go along with the work the consultant had already been engaged in doing.

Given some confusion with the staff recommendation and the motion as stated, Finance Director Guillory clarified the staff recommendation was to include a recommendation for possible local tax options, with staff to return with a list of recommendations but it did not include a recommendation to engage another consultant to do a fiscal analysis on this topic specifically.

Mayor Murphy understood the staff recommendation was to identify future generating opportunities which the Finance Director confirmed.

**ACTION: Motion by Council members Martinez-Rubin/Tave to direct staff to work with the consultant involved with taking a look at the LTFP and consider what was presented today as one of the revenue generating options.**

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

Council member Sasai suggested there was an opportunity to craft and fine tune a model that worked for the City of Pinole specifically and to be fair for all. He wanted to keep advancing the discussion and bring this possibility to the voters of Pinole to decide eventually but data was needed in order to do that. He offered a motion to direct staff to engage a consulting firm to conduct a study to identify vacant parcels in the City and determine what the potential revenue could be if a Vacant Parcel Tax was established in Pinole.

Mayor Pro Tem Toms reiterated the City had a database to conduct a search to identify vacant parcels, and the Finance Director confirmed the City did not need a consultant to identify vacant parcels in the City.

Council member Sasai rescinded his motion and offered a new motion to direct staff to engage a consulting firm to determine the potential for revenue with a Vacant Parcel Tax in Pinole.

Mayor Pro Tem Toms suggested that work could be done with an Excel spreadsheet.

On the motion, Finance Director Guillory clarified staff had access to identify vacant parcels and had to make some assumptions.

Mayor Murphy read into the record the staff recommendation as shown in the September 5, 2023 staff report which read: *If the City Council desires, it could consider engaging a consulting firm to conduct a study to identify vacant parcels in the City and determine what the potential revenue could be if a vacant parcel tax were established in Pinole.* Based on the staff recommendation, he understood a consultant would be hired to answer those questions, but he now understood an Excel spreadsheet could be prepared to answer those questions. He requested clarification.

Finance Director Guillory clarified the thought process for the next steps was whether the City Council desired a comprehensive study for a Vacant Parcel Tax, such as structure, fee structure and identification of vacant parcels that would require assistance from a consultant. Staff had access to the database as part of ParcelQuest, for a quick estimated analysis, but a deeper dive for a full program and a more structured model required the engagement of a consultant.

In response to Council member Sasai, Finance Director Guillory clarified staff could also provide the numbers for the revenue for the different tax levels. It was also clarified the original motion from Council member Martinez-Rubin had not included that information.

City Clerk Bell asked for staff clarification from the City Council on what action was actually taking place as part of the original approved motion.

Finance Director Guillory asked for direction from the City Council on what level of analysis the City Council wanted to see to help inform its decision. She asked whether the City Council wanted a model on different tax rate levels or a comprehensive Vacant Parcel Tax that would include possible exemptions, the tax rate, the basic criteria around a program and direction around that which would determine whether or not to engage a consultant.

Mayor Murphy referenced Page 304 of 322 of the agenda packets and again read into the record the staff recommendation under next steps. The initial motion from Council member Martinez-Rubin included the first sentence of the staff recommendation but not the second sentence of the staff recommendation which read: *If the City Council desires, it could consider engaging a consulting firm to conduct a study to identify vacant parcels in the City and determine what the potential revenue could be if a vacant parcel tax were established in Pinole.*

Council member Martinez-Rubin reconfirmed her motion and Council member Tave as the second to the motion commented on his understanding analysis would be done in-house.

Mayor Murphy clarified based on the first motion the analysis would be done in-house but the team was currently working with the consulting firm Baker Tilly to identify potential revenue generating opportunities and would provide recommendations on various tax options as outlined in the staff report. If the City Council desired, it could also consider engaging a consulting firm to conduct a study to identify vacant parcels in the City and determine what the potential revenue could be if a Vacant Parcel Tax was established in Pinole; however, based on the discussion, he understood staff could do that work fully in-house.

City Manager Murray clarified there were some details where they would like to work with the consultant. He clarified the City Council already provided direction to advance the work with Baker Tilly, which scope of work would come up with a rough estimate of revenues related to a mechanism like this and estimating that revenue for this type of mechanism was much less complicated than the prior mechanism for a Commercial Cannabis Tax. He suggested the motion the City Council had already passed would be sufficient direction and staff would work with Baker Tilly to return with estimates they and City staff could do with the existing scope and in-house resources, and if the City Council wanted more information, it may provide direction at that time.

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

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

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

Rafael Menis, Pinole, suggested if the City were to continue to ignore unpaid pension liabilities, backfilled sewer lines, storm drains and roads there would still be more imminent consequences from actions the City Council had already taken. As an example, on August 15, 2023 the City Council had taken action to change the COLA for various bargaining units with various associated costs, some of which had been budgeted and some which carried consequences.

Mr. Menis suggested the increased spending would also trigger increased spending of the City's reserves. Even if the City Council did not want to raise taxes there were already impending consequences from past actions the City Council had taken which would require some action to redress, either taxes raised to pay for it, cuts to offset needed revenues needed to offset raises and increased reserve requirements, which was why he had brought up a request for a future agenda item for the LTFP to consider taxes besides those under discussion. He asked whether the taxes presented had been based on revenue or because they were ready. He asked the Mayor to request that staff identify the taxes being considered by the City.

Anthony Vossbrink, Pinole, referenced a recent traffic accident on Pinole Valley Road across the Ellerhorst Elementary School playground next to Station 74, which had damaged several feet of the guardrail that protected traffic from Pinole Creek, but nothing had been done and there were no warning barriers, signage or cones. A temporary guardrail on Appian Way and I-80 had also never been repaired. He suggested the City Council should direct the City Manager to get basic infrastructure needs met prior to his retirement such as the replacement of numerous street light bulbs along Henry Avenue, Pinole Valley Road and San Pablo Avenue. He also expressed concern with the City continuing to use the Adobe Trail as a dumping ground.

Cordell Hindler, Richmond, invited the City Council to the Council of Industries Shoreline Boat Tour on October 6, 2023 at 1:00 p.m. at the Harbormaster's Building. He suggested the meeting could have been shortened and objected to the lengthy discussion on taxes not fair to the public waiting to provide comments. He questioned the number of proclamations on one agenda and suggested proclamations should be broken up between meetings, and he objected to Mr. Vossbrink's comments being unfairly cut off and suggested the City Council should also be limited to the same time restrictions as citizens to help conclude City Council meetings.


In response to the Mayor, Finance Director Guillory clarified that agenda Items 12A and B had been brought forward as future agenda item requests some time ago, with the LTFP to include a menu of tax options and possible extension of existing taxes, and the consultant would review a wide variety of options to help inform the City Council's decision. The LTFP was anticipated to be brought to the City Council on October 17, 2023.

Mayor Murphy asked staff to provide the City Council a status update on the Pinole Valley Road accident and identify the infrastructure improvements needed in the area.

**14. ADJOURNMENT** to the Regular City Council Meeting of September 19, 2023 in Remembrance of Amber Swartz.

At 10:40 p.m., Mayor Murphy adjourned the meeting to the Regular City Council Meeting of September 19, 2023 in Remembrance of Amber Swartz.

**Submitted by:**

  
Heather Bell, CMC  
City Clerk

**Approved by City Council: September 19, 2023**

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