

**CITY COUNCIL MEETING
MINUTES
February 6, 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 5:01 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
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
Lilly Whalen, Community Development Director
Fiona Epps, Assistant to the City Manager
Sanjay Mishra, Public Works Director
Roxane Stone, Deputy City Clerk

Deputy City Clerk Roxane Stone announced the agenda had been posted on February 1, 2024 at 2:00 p.m. with all legally required written notices. Written comments had been received in advance of the meeting, distributed to the City Council and staff, posted on the City website and made available 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.

There was no Closed Session.

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

There was no 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.

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

Mayor Toms modified the meeting agenda and moved to Item 8 A2.

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

2. Lunar New Year

The City Council read into the record a proclamation recognizing February 10 through 17, 2024 as Lunar New Year. The proclamation was presented to students of the West County Mandarin School.

PUBLIC COMMENTS OPENED

A number of students from the West County Mandarin School thanked the City Council for the proclamation recognizing Lunar New Year, which also recognized the inclusivity of the diverse community symbolizing renewal, hope and a brighter future and they wished everyone a Happy Year of the Dragon.

PUBLIC COMMENTS CLOSED

The City Council moved onto Item 8 B1.

B. Presentations

1. "Helping Pinole Prepare for the 2024 Election" by Contra Costa County Clerk Recorder, Kristen B. Connelly

Contra Costa County Clerk Recorder Kristen B. Connelly provided a PowerPoint presentation of Contra Costa County Clerk-Recorder-Elections and reported it was 28 days before the March 5, 2024 Presidential Primary. An overview was provided of the primary statutory responsibilities of the Registrar of Voters, Clerk-Recorder, Elections Department, Contra Costa County and Pinole Elections by the Numbers along with an explanation of the No Party Preference (NPP) voters, postcards mailed to NPP voters and the NPP Podcast. Additional information was provided on early in-person voting and 24/7 drop-box locations. The drop-box location for the City of Pinole was located at 2131 Pear Street. The ways in which the City Council could support elections, contact information for the County Elections Department and steps for safer elections were all highlighted.

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

The City Council thanked Ms. Connelly for the presentation with the information to be provided to the public.

The City Council returned to Item 8 A3, which had been taken out of order from how it had been shown on the meeting agenda.

3. Recognizing Music Repertoire's 25th Anniversary

The City Council read into the record a proclamation recognizing the 25th anniversary of Music Repertoire.

Henry Torres, Music Repertoire, thanked the City Council for the recognition and for helping small businesses during the pandemic.

The City Council moved on to Item 7.

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Toms reported the Wildfire Prevention Coordination Group Memorandum of Understanding (MOU) had been approved by the Contra Costa County Board of Supervisors and would be considered by the City Council at a future meeting; she had attended the Mayors' Conference with a presentation from Contra Costa County Clerk Recorder Kristen Connelly; she had communication with Caltrans related to plans for a project to install trash fences to prevent trash from the freeway entering the creek and which project had been put out for advertisement; attended the Mayors' and Councilmembers' Academy and provided highlights of the topics discussed; and attended a webinar on earthquake brace and bolt retrofits and provided information on possible grants for Pinole residents.

B. Mayoral & Council Appointments: None

C. City Council Committee Reports & Communications

Mayor Pro Tem Sasai reported he had attended the WestCAT Board of Directors meeting and highlighted the topics of discussion, with the next meeting scheduled for March 14, 2024; League of California Cities Public Safety Policy Committee meeting; Municipal Code Ad Hoc Subcommittee meeting; City Seal Ad Hoc Subcommittee meeting; and West County Mayors' and Supervisors' meeting and Mayor's Conference, and briefed the Council on all discussions.

Council member Murphy wished everyone a Happy Black History Month and Lunar New Year. He reported on the background of Black History Month and recognition of Black Leaders and requested that the meeting adjourn in memory of former City of Richmond Mayor Irma Anderson, whose background he detailed as a leader in the community. He also announced he had been appointed to the African-American Caucus of the League of California Cities and detailed its purpose to promote diversity in the League of California Cities and through State Legislature. He looked forward to increased involvement with the League. He had also attended the San Francisco Business Times Mayors' Forecast and had joined State Senator Nancy Skinner and members of Marin Clean Energy (MCE) staff at the Power Association of California Luncheon, and briefed the Council on all discussions reporting that Senator Skinner had been recognized for her leadership.

Council member Tave reported on his attendance at a West Contra Costa Transportation Advisory Committee (WCCTAC) meeting where he had been appointed as the Vice-Chair and briefed the Council on the topics of discussion. He added that RecycleMore would be considering a switch in its leadership and he would provide more information at a future meeting. He had also attended the Mayors' Conference.

Council member Martinez-Rubin reported she had attended the League of California Cities Revenue and Taxation Policy Committee meeting with meeting minutes available on the Cal Cities website and which she highlighted at this time. She had also attended meetings of the East Bay Division of Cal Cities, City Seal Ad Hoc Subcommittee and the Mayors' Conference.

D. Council Requests for Future Agenda Items

Mayor Pro Tem Sasai requested consideration of City sponsorship for Pinole Valley High School's upcoming Asian Pacific Islanders (API) Heritage Month events in the amount of \$3,200, which would cover some of the costs for high school students organizing a study stop to the Asian Art Museum in San Francisco for API Heritage Month, rental of a charter bus, costs for food and tickets for the museum for those students who did not have the financial resources to pay for the tickets themselves. He also asked that Pinole Community Television (PCTV) air the upcoming Pinole Valley Performing Arts Theater annual API Concert for the community to enjoy. Since API Heritage Month was during the month of May, he asked that the request come back to the City Council at its first meeting in March.

In response to the Mayor, City Attorney Eric Casher confirmed the City of Pinole was not prevented from sponsoring such an event.

ACTION: Motion by Mayor Pro Tem Sasai/Council member Murphy to consider City sponsorship for Pinole Valley High School's upcoming Asian Pacific Islanders (API) Heritage Month events in the amount of \$3,200, to cover some of the costs for high school students organizing a study stop to the Asian Art Museum in San Francisco for API Heritage Month, rental of a charter bus, costs for food and tickets for the museum for those students who did not have the financial resources to pay for the tickets themselves, and have Pinole Community Television (PCTV) air the Pinole Valley Performing Arts Theater annual API Concert for the community to enjoy, with the request to come back to the City Council at its first meeting in March.

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

ACTION: Motion by Council member Murphy/Mayor Toms to consider a proclamation for Prescription Drug Abuse Awareness Month at the first City Council meeting in March 2024.

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

ACTION: Motion by Council member Murphy/Mayor Pro Tem Sasai to direct staff to begin providing quarterly updates for the Economic Development Plan and Strategy via the Consent Calendar.

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

Council member Martinez-Rubin requested the City Council discuss the creation of a Mills Act Program to build on the core strengths of the City and foster the environment for economic progress. The motion was seconded by Mayor Toms.

On the motion, Mayor Toms reported she had a conversation with the property owner of a historic home who had heard about the program from staff and that individual had been informed there were some procedures that needed to be evaluated to qualify for the program. She requested that the process of requesting future agenda items be discussed, specifically how the City Council may provide staff with clear and specific direction when requesting a future agenda item.

City Attorney Casher explained that the City Council meeting procedures, such as requests for future agenda items, could be discussed and amended as part of the discussion of the Council Meeting Procedures as a future agenda item, but which would have to be requested as a future agenda item since such discussion was not usually brought forward until the end of each year.

Mayor Toms requested that be considered as a future agenda item. Council member Martinez-Rubin seconded the motion.

ACTION: Motion by Council member Martinez-Rubin/Mayor Toms to discuss the creation of a Mills Act Program.

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

ACTION: Motion by Mayor Toms/Council member Martinez-Rubin to request a discussion and possible amendment to the City Council Meeting Procedures as a future agenda item.

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

Council member Murphy asked staff to provide a forecast of future agenda items at the next City Council meeting.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, requested the City Council consider issuing a proclamation to honor Autism Acceptance Month in the month of April and recognize the contributions and different ways those with autism may view, interact, discuss and contribute to the community, as neurotypical people may contribute.

ACTION: Motion by Mayor Toms/Council member Martinez-Rubin to consider a proclamation recognizing Autism Acceptance Month for the month of April.

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

PUBLIC COMMENTS CLOSED

E. City Manager Report / Department Staff

Interim City Manager Neil Gang reported the Pinole Police Department would be transitioning from the use of a Legacy Police Blotter to a contemporary web-based application that would allow the community to do a search, to be presented at the next City Council meeting as part of an update from the Police Department.

Interim City Manager Gang also provided an update of damage from the recent storms and Public Works Department operations and maintenance, and reported that Public Works and Maintenance staff had responded to issues involving storm drains, downed trees/broken limbs in travel lanes throughout the City as well as pothole repair.

Interim City Manager Gang also reported that staff had received six responses to a Request for Proposal (RFP) for a potential ballot measure and staff would return to the City Council once a consultant had been recommended for selection. Also, the Community Services Department was in the process of surveying the community for an outdoor cinema and community concert series with a link on the City website and social media pages, and the first edition of the Walk and Roll Newsletter had been released in the last week to be posted once a month. He also reported that the Annual Egg Hunt would be held on Saturday, March 16, 2024 from 10:00 a.m. to 2:00 p.m. at Fernandez Park, with more information on the City website and social media pages, and any available grants the City may be able to pursue would be shared in The Pulse. In addition, planning had commenced for the Fourth of July and Earth Day events with more details to be provided to the community through the normal channels, and five City logos would be presented this week to the community via a survey to solicit input prior to final revisions, with the final logo and seal drafts to be presented to the City Council on March 16, 2024.

In response to Council member Murphy, Community Development Director Lilly Whalen provided an overview of the upcoming Economic Development Summit to be hosted by the City of Pinole on February 15, 2024. The primary audience would include civic organizations and the business community. The summit was invitation-only and any interested persons could contact her via email or telephone.

As to a potential date and time for an open house at Fire Station 74, Interim City Manager Gang reported the Contra Costa County Fire Protection District (CCCFPD) planned to provide a presentation to the City Council on March 19, 2024 where more information would be provided but he understood the event would occur.

F. City Attorney Report

No report.

PUBLIC COMMENTS OPENED (Items 7E through 7F)

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

The City Council returned to Item 8 A1.

1. Black History Month

The City Council read into the record a proclamation recognizing Black History Month.

PUBLIC COMMENTS OPENED

Michele Lamons-Raiford, representing the Pinole Valley High School African-American Student Union (AASU), thanked the City Council for the proclamation on behalf of the AASU.

Ms. Lamons-Raiford recognized Gena Stewart, who was until recently the AASU advisor, Troy McConico the first Black Football Coach at Pinole Valley High School, and Principal Kibby Kleiman and the parents of the AASU students. She thanked the City Council for its continued support and announced that Black History Month and a tribute to Ms. Stewart would be celebrated on February 17, 2024.

Jamela Smith-Folds, West Contra Costa Unified School District (WCCUSD) Board Trustee Area 1, thanked the City Council for the annual proclamation, the lifting up of school teachers and stated that Black History was also American History.

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 Regular City Council Meeting on January 16, 2024
- B. Receive the January 13, 2024 – February 2, 2024 List of Warrants in the Amount of \$1,236,401.27 and the January 15, 2024 through January 28, 2024 Payroll in the Amount of \$528,304.97
- C. Communication and Engagement Plan Update **Action: Receive Report (Fiona Epps)**
- D. Adopt a Resolution to Authorize the City Manager to Approve Amendments to On-Call Contracts Issuing Task Orders for Staff Augmentation for a Total Amount Not to Exceed \$150,000; and Authorize the Finance Director to Amend the FY 2023/24 Budget **Action: Adopt Resolution per Staff Recommendation (Sanjay Mishra)**
- E. Adopt a Resolution to Accept the Hazel Street Storm Dran Improvements (CIP Project #SW1901) as Complete and Approving Filing of Notice of Completion **Action: Adopt Resolution per Staff Recommendation (Sanjay Mishra)**
- F. Conduct Second Reading and Adopt an Ordinance Amending Chapter 17.54 of Pinole Municipal Code to Include Prohibition on Political and Campaign Signs on Public Property **Action: Waive Second Reading and Adopt Ordinance (Eric Casher)**
- G. Approve City Membership to the National League of Cities **Action: Approve Staff Recommendation (Heather Bell)**

Council member Murphy referenced Item 9C, Page 66 of 283 of the agenda packets and the policies and procedures to come before the Policies and Procedures Subcommittee, and asked whether the recommendations would come to the City Council.

Assistant to the City Manager Fiona Epps clarified the communication policies could be something the City Council may request the Technology and Communication Subcommittee review and provide further comment prior to finalization and presentation to the City Manager for approval. The policies were currently being followed as a loose framework since they had not been formalized by the City Manager and had been prepared by consultant Tripepi Smith as a sub-project of the Communication and Engagement Plan, currently under review by the Department Heads but could be reviewed by the Technology and Communication Subcommittee prior to finalization and presentation to the City Manager. As to hiring a consultant for the Residents Academy, that had been one of the original recommendations from the Communication and Engagement Plan although staff had taken no action to implement it given limited resources. Staff hoped to hire a communication firm to recommend a framework for years to come.

As to the fiscal impacts and projected budget for the Communication and Engagement strategy, Ms. Epps explained there was no fiscal impact in receiving the report but there would be several remaining projects that would have a fiscal impact. A communication consultant had been budgeted in the City Manager's budget for Fiscal Year 2023/24 and could be used to hire a communication firm. For the newer projects, such as post-boosting, that would be incorporated into the Fiscal Year 2024/25 budget.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, spoke to Item 9C, Page 64 of 283 of the agenda packet and noted for the website there were in-progress notes for a citizen request management tool and he asked when the tool would be implemented to be able to be accessed immediately; for Page 67 of 283 of the agenda packet and the call for a consultant for media outreach expansion, he asked what the consultant would do differently from what the Assistant to the City Manager would do; Page 214 of 283 of the agenda packet included a cross sheet of different events but was cramped in the PDF format and should be pulled out separately and posted on the City website; and as to Page 225 of 283 of the agenda packet, the consultant was to provide assistance to the City's Public Information Officer (PIO) and he understood by default the Assistant to the City Manager was the PIO and he asked for verification.

Mr. Menis referenced Item 9D and the request for \$150,000 to hire support staff for the Public Works Department. He asked whether the augmentation process would be repeated in the next fiscal year or whether the expenditure was a one-time thing, and he asked the Public Works Department to provide more detail as to why the City had been unable to fill vacant positions, which detail would be helpful before the City decided to expend funds.

James Tillman, Pinole, also spoke to Item 9D and shared the same concerns that had been raised. He understood the City was not using staff in-house but consultants at a time when the City Council was considering potential revenue measures. He asked why more in-house staff were not being considered to do the work.

PUBLIC COMMENTS CLOSED

Assistant to the City Manager Epps responded to the public comment and clarified that a new home page for the website would be designed and would have a report and issue link directly to different ways for people to report different issues.

Ms. Epps added that the draft RFP had been written with a number of wish list items to be implanted to have to expand the Communication and Engagement Plan, and included a request for those tasks to be priced individually to allow staff the opportunity for review and to determine whether or not those tasks should be part of a final contract or be done in-house. She clarified that she served as the PIO for the City and having some assistance from a consultant would come in handy as detailed in the RFP draft.

Council member Murphy again spoke to Attachment B, Page 214 of 283 of the agenda packet and the communications rubric as shown. He asked that moving forward the Communications Key be changed to include direct communications to the City Council for job announcements, operational notices, surveys and video series, with the changes to be made by motion. He offered a second motion related to the video series and moved for further discussion on citywide production of the Beat of Pinole and include recommendations for a path forward for production, distribution, budget and legal policy.

ACTION: Motion by Council member Murphy/Mayor Toms to approve Item 9C, with the Communications Key to be changed moving forward to include direct communications to the City Council for job announcements, operational notices, surveys and video series.

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

ACTION: Motion by Council member Murphy/Mayor Pro Tem Sasai for further discussion on citywide production of the Beat of Pinole and include recommendations for a path forward for production, distribution, budget and legal policy.

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

Council member Murphy asked of the status of the PCTV Master Plan and asked for standardized policies for PCTV's participation and attendance to City sponsored and community events and was informed by the Interim City Manager a report could be presented to the City Council, at a future meeting.

ACTION: Motion by Council member Murphy/Mayor Pro Tem Sasai for staff to return with an update on the status of the PCTV Master Plan and standardized policies for PCTV's participation and attendance to City sponsored and community events.

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

ACTION: Motion by Council member Murphy/Mayor Pro Tem Sasai to approve Consent Calendar Items 9A, 9B and 9D through 9G, as shown.

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

10. PUBLIC HEARINGS: None

11. OLD BUSINESS: None

12. NEW BUSINESS

- A.** Receive Information Regarding Options to Prohibit Creation of New Gas Stations and the Expansion, Reconstruction and Relocation of Existing Gas Stations in Pinole **Action: Receive Report, Discuss and Provide Direction (Lilly Whalen)**

Community Development Director Whalen provided a PowerPoint presentation on Options to Prohibit Creation of New Gas Stations and the Expansion, Reconstruction and Relocation of Existing Gas Stations in Pinole, which included an overview of State legislation related to gas vehicles, gas/service station regulations in other communities, general approach in enacting regulations, climate emergency policies in Pinole, where service stations were allowed in Pinole, existing regulations and locations of service stations in Pinole, gas sales tax information, non-conforming use regulations in Pinole and the short-term and permanent regulation process that could be considered as next steps, along with the fiscal impacts of the options, as outlined in the February 6, 2024 staff report.

Community Development Director Whalen recommended as options for next steps that the City Council direct staff to return with an Interim Urgency Ordinance that would temporarily halt approval of building permits or other entitlements for new service station uses or the expansion of existing service stations and direct the Climate Adaptation and Action Plan (CAAP) to include an action to go through a public process to adopt permanent regulations prohibiting the expansion, reconstruction, and relocation of existing gas stations prior to the end of the Interim Urgency Ordinance. She asked that the City Council receive the information and provide staff with any appropriate direction for future actions, if any.

In response to Mayor Pro Tem Sasai, Community Development Director Whalen provided an overview of the REACH Codes in the City's CAAP as it related to Electric Vehicle (EV) charging stations on City facilities and adoption of Tier 2 Cal Green Building Codes, which was focused on commercial and multifamily buildings.

Council member Tave asked whether the prohibition on gas stations included hydrogen, and Community Development Director Whalen advised the focus would be on fossil fuels, with one of the recommendations to incentivize faster transitions to alternative fuels. Staff could look into what other communities had done.

Council member Martinez-Rubin wanted to see the incentives and the types of permits for alternatives. She asked whether or not there were any use applications in process at this time related to gas stations that could be impacted by an Interim Urgency Ordinance.

Community Development Director Whalen clarified the only building permit outstanding was for the 7-Eleven on Appian Way, which was being held up by PG&E, but there were no pending applications for entitlements or renovations to existing gas stations. She stated the Planning Commission had recently approved a Conditional Use Permit (CUP) for the Shell Station on Fitzgerald Drive to expand the offerings inside the store for beer and wine but that had no impact on the footprint of the building.

Mayor Toms asked of the timeframe for an Interim Urgency Ordinance before something permanent could be considered.

City Attorney Casher advised that typically the Interim Urgency Ordinance was for a year and could be renewed.

Mayor Toms asked whether it would be financially feasible for a gas station that sold fossil fuels to add hydrogen or establish a gas station that sold only hydrogen, and Community Development Director Whalen advised she would have to get back to the City Council on that question.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, speaking entirely in his capacity as a Pinole resident, supported the City Council moving ahead with a moratorium on new fossil fuel gas station construction and expansion as highlighted on Pages 263 and 264 of 283 of the agenda packets. He noted the City of Pinole already had eight service stations geographically spread throughout the City and Page 261 of 283 of the agenda packets, Table 1 had shown many jurisdictions in Napa, Marin and Sonoma counties had been able to regulate service stations in a similar way. He added that the map shown on Page 273 of 283 of the agenda packets had shown that most of the City of Pinole could not have new service stations built since many zones already had service stations.

As to the potential for an Interim Urgency Ordinance, Mr. Menis asked when it would be considered by the City Council, understood there were multiple ways for hydrogen to be produced most commonly via a by-product through natural gas processing, and if the City Council were to include exceptions for hydrogen, he asked that the exceptions be conditioned on the source of the hydrogen being green, not blue hydrogen. He also noted that this prohibition would not ban existing service stations from providing gas but ban the expansion and creation of new gas stations.

James Tillman, Pinole, commented that in the 1980's EVs had been built in the State of California but had been removed since no one had electric vehicles at that time. He asked how long this action could be delayed given the political climate whether at the federal or state level and he questioned the City expending funds that would not be used. He referenced the climate emissions the state placed on the public and while he would like to see the air cleaned, he commented that many vehicles sold would not pass clean air emissions or had current registration and could not be insured. He was uncertain how this action would be implemented.

John Bender, Pinole, speaking as a citizen, supported the City Council's action on this matter, which was a significant issue since there was nothing benign about gas stations which could experience gas and vapor leaks. He too suggested the issue of hydrogen not be forgotten since there was dirty versus clean hydrogen. Given the narrowing window to address fossil fuels and health and safety, he supported action by the City Council, as shown. He added that once a gas station closed, the land if reused would require remediation which was an entirely separate issue.

Norissa DeJesus, representing 350 Contra Costa Action, a grass roots/non-profit organization with a focus on advocacy and education for local policy climate solutions advancing equity and enabling local communities to thrive, appreciated the City Council's leadership in Contra Costa County for moving on climate action and environmental sustainability, and for being one of the few cities to pass a climate emergency resolution with actions. She reported that 350 Contra Costa strongly applauded the City Council's consideration to move forward to prohibit new gas stations, reconstruction, expansion and relocation of existing gas stations and hoped the City Council would vote to give staff the greenlight to proceed on a thoughtful process. She added that 350 Contra Costa had submitted correspondence to the City Council and in line with the City's climate resolution and emerging climate action and state policies stated it was time to stop building new gas station infrastructure at a time when the state would cease to register new gas vehicles in 2035, and as moving on to EVs rather consider more opportunities for people movement without cars where there was no need to encourage more gas stations that would bring human health hazards to soil, water, air and environmental degradation.

Andrew Melendez, a resident of West County, and a Politics Major at Saint Mary's College (SMC), encouraged the City Council to consider the prohibition of new gas stations and the expansion, reconstruction and relocation of existing gas stations to prevent the use of more fossil fuels and Greenhouse Gas (GHG) emissions and other pollutants. He was pleased the City Council had declared a climate emergency in 2021, directly addressing the growing threat of climate change and ensure the City was moving forward with current climate goals as set in the City's CAAP, state GHG reduction targets and place renewed emphasis on alternate forms of energy such as EVs that would soon become the norm in the state in the coming decades. He hoped the City of Pinole would serve as a strong voice for the rest of Contra Costa County to re-envision a new world that moved away from GHG emissions and towards cleaner energy and cleaner skies.

Woody Hastings, Co-Coordinator, Coalition Opposing New Gas Stations founded in 2019, who had experience working with many jurisdictions within Contra Costa County and Contra Costa County itself and other advocates in other municipalities, explained that the coalition had seen no negative repercussions or unintended consequences from the adoption of similar ordinances. He noted that correspondence had been submitted to the City Council for its information and stated that correspondence had included contact information.

Mr. Hastings commented that the prohibition was on gasoline stations as permitted uses in all zoning codes in a city and he recommended the prohibition be kept simple with no incentives included for other EV charging or other alternatives such as what had occurred in a different arena. He strongly supported stopping the permitting of new gasoline stations. He also noted the state was looking into road usage charges based on Vehicle Miles Traveled (VMTs), which would serve as a way to fill the loss of gas sales taxes. He added many communities had multiple gas stations and he had not heard any community claim there were not enough.

Anthony Vossbrink, Pinole, commented the staff presentation had not addressed pending construction for the Tara Hills Safeway, which had been based on a multiple pump gas station as part of the build out and which had been part of a make-or-break deal for Safeway. He noted the City was losing revenue to gas stations in the cities of Hercules, Richmond and in and around the County. He asked the City Council to delay action on this matter until there was confirmation about the status of the Tara Hills Safeway build out. He added that the City was burning carbon emissions up and down Pinole Valley Road due to unnecessary stop lights, which should be studied, and he reported that two EV stations behind the Police and Fire Station in the City parking lot were being abused by vehicles being left at all hours to charge costing the City significant funds.

George Pursley, Pinole, referenced the number of gas stations in the City of Pinole, many of which were in close proximity to one another in a compacted area. He agreed a moratorium on creating new gas stations and the expansion, reconstruction and relocation of existing gas stations should be considered given climate concerns and GHG emissions, and due to multiple crises due to climate change with the need to change the use of fossil fuels.

PUBLIC COMMENTS CLOSED

Council member Murphy asked of the potential impacts to the WestCAT Fueling Station if an Interim Urgency Ordinance was considered.

Community Development Director Whalen confirmed that facility had not been considered and staff would have to review that as part of future City Council direction but she expected the facility would be excluded from the ordinance.

Council member Murphy also commented on the list of jurisdictions in Sonoma, Napa and Marin counties that had ordinances prohibiting the creation of new gas stations and the expansion, reconstruction and relocation of existing gas stations, as contained in the staff report. He confirmed with staff that if the City of Pinole enacted an Interim Urgency Ordinance it would be the first city in Contra Costa County to do so.

Council member Murphy also asked for clarification of the differences between the Interim Urgency Ordinance and a permanent ordinance, and City Attorney Casher explained if the City Council directed staff to proceed to explore an ordinance prohibiting gas stations, the Interim Urgency Ordinance would go into effect immediately allowing the City to adopt that prohibition immediately. The Interim Urgency Ordinance would stay in place 45-days, to be renewed by a 4/5ths vote, good for a year and up to 22 months, allowing the City Council time to develop language around a full ordinance. A full ordinance would involve a first and second reading and once adopted would become part of the Pinole Municipal Code (PMC), which would codify regulations in perpetuity until changed by the City Council at another date.

Mayor Pro Tem Sasai appreciated the information provided by staff, thanked his colleagues for allowing the discussion to be placed on the agenda and the 2021 resolution that had been adopted to declare a climate emergency, and which had resulted in a call for action. If an Interim Urgency Ordinance was adopted, it would be the first in Contra Costa County, which action he supported and he hoped his fellow Council members would support this action as well.

Council member Tave understood that if waiting until 2035, the problem would be more difficult to address. He was confident the City Council could develop regulations that were fair and equitable across the board and he encouraged City Council support of the staff recommendation.

Council member Martinez-Rubin appreciated the information provided, specifically the short- and long-term approaches as the world transitioned from the use of fossil fuels and their harmful effects to improve conditions that affected public health. She supported next steps to pursue a permanent regulation process.

City Attorney Casher clarified that although a permanent approach had been estimated at around 22 months, it may take longer depending on the level of the process and would involve community engagement.

Mayor Toms suggested the action belonged in the CAAP, which she supported, but she had not seen the CAAP to see whatever actions could be recommended and the timing of other actions to be able to judge what would come first. She would have preferred to see the CAAP first and then this item as a separate item. She recognized this would be a priority, but given the work plan as part of the CAAP was unknown, she found it to be a procedural dilemma. She again supported placing this item in the CAAP but without the knowledge of what other actions were in the plan she was uncertain of the urgency.

Council member Tave emphasized the importance of taking steps when the horizon became clearer, such as the state prohibition of gas fueled vehicles by 2035, and suggested it was important to take action now, not later, with staff having plenty of time to work on the regulations for City Council consideration.

Council member Martinez-Rubin suggested if the City Council had the flexibility with the timeline needed, beginning the process would allow staff to present the CAAP and flag the necessary steps to accomplish what was being presented relative to other items the City may not yet be aware.

Council member Murphy suggested the City Council should take action, not wait until later, and consider ways to reduce air and water pollution and protect the planet for future generations. The City had declared a climate emergency in 2021, and he hoped this matter would move forward as quickly as possible.

Community Development Director Whalen reported in response to public comment as it related to the Tara Hills/Safeway property, there were no pending entitlements for gas stations in the City of Pinole. The property owner of the Tara Hills/Safeway property had lost entitlements for the property in June 2023, and the property owner was well aware of the entitlements that would be lost if the permits were not effectuated.

ACTION: Motion by Mayor Pro Tem Sasai/Council member Murphy to direct staff to return with an Interim Urgency Ordinance that would temporarily halt approval of building permits or other entitlements for new service station uses or the expansion of existing service stations and revise the Climate Adaptation and Action Plan (CAAP) to include an action to go through a public process to adopt permanent regulations prohibiting the expansion, reconstruction, and relocation of existing service stations prior to the end of the Interim Urgency Ordinance.

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

- B. Receive a Presentation on Community Corner and Direct Staff for Next Steps
Action: Receive Report, Discuss and Provide Direction (Sanjay Mishra)**

Public Works Director Sanjay Mishra introduced Colin Burgett, GHD, who provided a PowerPoint presentation on the City of Pinole Community Corner Public Engagement & Recommendations Survey, intended to garner feedback from the community and consider alternatives for the lot on the corner of Tennent and San Pablo Avenues. The presentation also included an overview of the results from the February and May 2023 workshops and an interactive online idea wall on the types of amenities the public would like to see.

Based on the public input, short-term projects, demonstration projects that were temporary non-infrastructure projects that lasted one day up to one week and occasionally depending on the materials used, up to one month, were highlighted. Mid-term projects, quick builds, projects that last six months up to five years depending on the materials used were also highlighted and potential programming options were also identified and may include Food Truck Fridays, Concerts on the Corner, weekly Farmer's Market and Art Fridays. Partnerships with various agencies and community organizations related to the programming were also highlighted. Finally, for the long-term solution and based on the feedback received at all workshops a permanent outdoor community eating space that was family-friendly with an open concept restaurant or brewery was the most desired.

Mr. Burgett also highlighted the constraints for each of the options identified. Based on the public input, the recommendation was that the City Council consider investing in the lot for a long-term solution that may be a brewery or restaurant, and in the interim the City consider revitalizing the site with short- and mid-term solutions so that it may garner the usage the community desired. Any effort to improve the site for frequent usage would serve the community, tourists, and boost the local economy and investment in the site, invest in the downtown, and create a destination for people of all ages and abilities to enjoy.

Council member Tave referenced the Uptown Yard concept and asked whether the capacity for different food trucks had been considered, whether safety had also been considered when considering a parklet design, and whether an incubator or pop-up concept had been explored.

Public Works Director Mishra advised the community corner property would likely accommodate no more than three small food trucks. Staff had not approached anyone on a pop-up concept, although an individual had approached the City in the past on a potential location but that idea had not moved forward. Staff had also been engaged with an economic development consultant on the possibility of different options to bring revenue to the downtown.

Community Development Director Whalen advised that Kitchen@812, a local restaurant incubator, could be approached if the City Council so directed to see whether or not that idea had any interest.

Council member Martinez-Rubin noted the existing boulders on the property were not inviting to sit on. While she appreciated the public input, she questioned how to take that information which leaned on entertainment/recreation and combine those interests with economic development and/or housing. She wanted to see something that combined public space interest with increasing pedestrian activity in the area, and find developers who had the ability to combine the vision of the Council to allow for public space use and address some of the larger interests such as economic development. In that regard, she asked how the public input had been framed and she referenced past interest from a developer that had ultimately not been pursued.

Public Works Director Mishra explained that some of the public/participants had the knowledge of prior interest to build commercial space but none of the participants had been supportive of that idea.

Mayor Toms referenced Kitchen@812, which model she understood was not part of a commercial kitchen with a pop-up.

Council member Tave suggested looking at the programming and offer a stage for new businesses in Pinole such as a brewery and beer garden. He did not suggest the need to build a new kitchen and gas range outdoors.

Mayor Toms suggested considering the issuance of an RFP for development proposals for the long-term to get a sense what the market looked like. She referenced the Westbrae Biergarten located in the City of Berkeley that was comprised of a small building that served food with most of the area outside seating. She preferred to see a business take up the entire site and consider the type of business people would like to see. Another example was Five Suns Brewing in the City of Martinez, an example of a market trend that families may enjoy and was not limited to those who were 21 years or older. She wanted to see a business come in for the long term. As part of her day job, she explained that she worked on food and wine/beer truck events that were held in the evenings, similar to Farmer's Markets, which could be another concept to consider.

Mayor Pro Tem Sasai asked of the annual operational costs to maintain the property, and Public Works Director Mishra stated the operation and maintenance costs were low and consisted mostly of the property being taken care of by Public Works maintenance staff at a cost less than \$10,000. He added the property had been appraised three to four years ago at around \$230,000 at that time.

PUBLIC COMMENTS OPENED

John Bender, Pinole, speaking as a citizen, suggested a multiuse commercial/residential use for the property was the way to go. He noted that 2008 was an economic tsunami which was why a prior developer had backed out of a development proposal along with local opposition from local merchants opposed to competition. He also commented as a resident of San Pablo Avenue, there was significant noise from vehicles and large trucks from the Richmond Distribution Center, which was not conducive to outdoor seating and there was a lack of people in Old Town Pinole. He referenced the Hayes Valley area in the City of San Francisco that had a community beer garden and plaza with average building heights of six up to ten stories of residential development, which was why he was of the opinion the community corner property should be a mixed use since Old Town could use more pedestrian traffic. In addition, he noted the Westbrae Biergarten was located on a quiet street.

Mr. Bender emphasized the noise on San Pablo Avenue had become so significant he was considering leaving the City of Pinole. He went on to comment that a similar concept had been attempted in the City of Hercules over a decade ago, had only lasted a year, that project had been sponsored by a developer but had been unsuccessful because of the lack of density. That site was now occupied by a Safeway.

PUBLIC COMMENTS CLOSED

Mayor Pro Tem Sasai found the conversation to be valuable along with the community outreach and the vision for the property in Pinole. He imagined and the public had indicated a desire for a municipal food court on the property and he offered examples of similar concepts in other communities. Based on the community input from the surveys and workshops, he suggested much of the desires about what should occur on the property were a reflection of what could be in Fernandez Park located across the street and within walking distance from many eateries in downtown Pinole. He supported options that allowed the most economic output from the parcel, while also recognizing the need for housing since the parcel was situated in the heart of the downtown on a main corridor close to transit resources.

Council member Martinez-Rubin suggested the property be put out in the market to see who responded, particularly to determine whether a developer would be willing to consider the input on the recreation/entertainment venue with a mixed-use zoning designation and consider using space above for small units not unlike the development located on the corner of Fernandez and San Pablo Avenues. She suggested the developer could take advantage of the desire of residents and visitors to Pinole by creating vending space or an eatery and at the same time helping to increase housing for residents who could be at the beginning of their housing situation with the size of units that could be built for those who could take advantage of the environment desired to be created in that segment of Pinole.

Council member Martinez-Rubin was leaning towards offering the property to developers again and seeing what ideas may come forward and combine the input received to help foster that economic progress in that area of Pinole. She recognized they were asking for a lot of results from one development but the City had not asked recently and that should be attempted since the new generation of designer/architects had ideas for more walkable cities not unlike young people in Pinole who could be between living with their family and trying to gain independency with their own housing.

Council member Tave clarified with the Public Works Director that the property had been out for sale in 2008 and a developer had submitted a proposal that had ultimately been rejected. He acknowledged the comments from the Council that it was likely the property should be put back out on the market and possibly further the concepts that could be considered, but he would like to see some stipulations on the sale of the property.

Mayor Toms wanted to see the property put out for the development community and include the results of the public information, maximum densities allowed with a mixed-use and what would be allowed with a density bonus whether a two- or three-story, and include those parameters and see the responses. The City would not know what was economically feasible until receiving responses to potential proposals and there could be aspects of a proposal that met the intent of what the community was interested in seeing

Mayor Toms liked the idea of more housing but some people wanted music on the site and she questioned whether that was a good mix with housing or commercial and whether it would stifle some potential proposals.

Council member Murphy referenced the last time the City Council had a number of properties on the market at one time. He suggested it was possible they could see a renewed partnership with one of the developers the City had already worked with. Given the different market, there was different information for people to propose more ideas and he agreed with putting the property out on the market, as discussed.

ACTION: Motion by Mayor Toms/Council member Martinez-Rubin to direct staff to solicit the Community Corner site for development and provide the information from the public engagement.

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

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

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

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

Rafael Menis, Pinole, reported the COVID levels in Contra Costa County in wastewater and hospitalization rates had decreased. The data points were available at covid.cdc.gov/covid-data-tracker. He suggested in the future if there was no Closed Session, the first Citizens to be Heard be moved to 5:30 or 6:00 p.m. to allow an opportunity for the public to speak, and he expressed disappointment that some of the proclamations as shown on the January 16, 2024 meeting agenda had not been read into the record. In the future, he asked that all proclamations be read into the record or none at all.

Anthony Vossbrink, Pinole, agreed that the scheduling and posting of agendas for Citizens to be Heard should be modified as Mr. Menis had recommended since he had been unable to address the City Council during past City Council meetings. He added the City Clerk had forgotten to post the telephone number or announce information on how the public may access City Council meetings to provide public comment and that said information had not been provided during other City Commission meetings. He asked that the information be posted on the screen for the public to help encourage public engagement and to build a better relationship with the community. In addition, he asked the City Council to reevaluate all traffic signals and stop lights up and down Pinole Valley Road, particularly during reduced traffic periods and possibly reduce the number of stoplights due to excess carbon emissions and impacts to climate change. Further, he asked that a satellite police substation on Fitzgerald Drive be considered for discussion.

Mayor Toms commented that years ago adjournments had been printed in memory of individuals and if the City Council wanted something on a future agenda, she asked them to notify the City Clerk. She reported she had notified Ahmed Anderson that the meeting would adjourn in his mother Irma Anderson's honor, and he had been appreciative of that honor.

Harpreet Singh Sandhu, Senior District Representative for Congressman John Garamendi, thanked the City Council for recognizing the passing of Irma Anderson, the former Mayor of the City of Richmond who had a history in the Bay Area as the first African-American woman elected to the City of Richmond and representing a city with a population of 100,000 people, and who had been instrumental in the city and in the state. He otherwise identified Congressman Garamendi's City of Richmond Office telephone number at (510) 620-1001 for constituents who had any issues on a federal basis and advised that there were a number of grants available to cities. More information was available on Congressman Garamendi's website.

- 14. ADJOURNMENT** to the Regular City Council Meeting of February 20, 2024 in Remembrance of Irma Anderson, former Mayor of the City of Richmond and Amber Swartz.

At 8:33 p.m., Mayor Toms adjourned the meeting to the Regular City Council Meeting of February 20, 2024 in Remembrance of Irma Anderson, former Mayor of the City of Richmond and Amber Swartz.

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council: February 20, 2024

