

CITY COUNCIL MEETING

MINUTES

November 16, 2021

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

The City Council Meeting was held via Zoom videoconference and broadcast from the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Martínez-Rubin called the Regular Meeting of the City Council to order at 6:01 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

Norma Martínez-Rubin, Mayor
Vincent Salimi, Mayor Pro Tem
Devin Murphy, Council Member
Anthony Tave, Council Member

COUNCILMEMBERS ABSENT:

Maureen Toms, Council Member

B. STAFF PRESENT

Andrew Murray, City Manager
Heather Bell, City Clerk
Eric Casher, City Attorney
Alex Mog, Assistant City Attorney
Markisha Guillory, Finance Director
Hector De La Rosa, Assistant City Manager
Roxane Stone, Deputy City Clerk
Lilly Whalen, Community Development Director
David Hanham, Planning Manager
Misha Kaur, Senior Project Manager
Chris Wynkoop, Fire Chief
Justin Rogers, Police Sargent
Joseph Bingaman, Public Works Manager

City Clerk Heather Bell announced the agenda had been posted on Friday, November 12, 2021 at 12:00 p.m. All legally required notice was provided. A revised report was subsequently distributed for Item 11A. No written comments had been received in advance of the meeting.

Following an inquiry to the Council, 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.

None

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.

Cordell Hindler, Richmond, invited the City Council to a performance of Home for the Holidays at the Contra Costa Civic Theater on December 3-5, 2021 at 7:30 p.m., identified the cost and advised that proof of vaccination was required for attendance. He also requested a future agenda item for a presentation from Ken Kirkey with All Home regarding homelessness. He looked forward to the Tree Lighting ceremony and suggested it would be wonderful to have the community outside after months of COVID-19 restrictions.

Rafael Menis, Pinole, thanked the Pinole Historical Society, Boy Scouts, the City of Pinole and various other groups for the November 11, 2021 Veterans Day Memorial activities; and referenced the November 16, 2021 Contra Costa County Board of Supervisors (BOS) meeting as related to the BOS public comment process, which among other things allowed commenters to broadcast video and audio if desired. He asked the City of Pinole to consider a similar approach for its hybrid meeting model.

Roy Swearingen, Pinole, thanked volunteer citizens and the City's Public Works and Police Department employees who had worked on citywide events and who should be recognized for their contributions to the City. He identified specific members/volunteers from the community who had been involved in community events such as the Car Show, Coastal Cleanup, Dumpster Day, and Veterans Day. He read into the record a statement made by an unidentified individual as it related to his comments about recognizing community service.

7. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

None

B. Presentations / Recognitions

1. Employee Recognition

City Manager Andrew Murray provided a PowerPoint presentation of the Employee Recognition which identified new hires, promotions and/or City employees who had retired in respective City Departments including the Police, City Clerk, Community Development, Public Works and Fire Departments. He congratulated all employees who had been hired or promoted and thanked those employees who had retired for their service to the City of Pinole.

The City Council also congratulated all employees who had been newly hired or promoted and thanked those employees who had retired for their services to Pinole.

PUBLIC COMMENTS OPENED

Roxane Stone, Deputy City Clerk, reported there were no public comments for this item.

PUBLIC COMMENTS CLOSED

8. **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.

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, referenced Item 7B(1) on the Consent Calendar and thanked the City Manager for the recognition of City employees. Referencing Item 8D, he urged the City Council to consider returning to in-person meetings consistent with COVID-19 protocols.

Rafael Menis, Pinole, referenced Item 8E, and asked for clarification of the affordable units income categories and potential rents for each income category as detailed in the staff report, and since the vast number of units would be Low Income whether the rents identified would also apply to the Moderate Income units or whether the qualifying rent description would override the resolution of approval as shown for Item 8E.

Debbie Long, Pinole, stated she had also desired to speak under Citizens to be Heard and asked for consideration for those comments to be made at this time. Speaking to Item 8C, she questioned how the City Council continued to do business to the detriment of the citizens of Pinole and questioned continuing to place the item on the Consent Calendar. She also questioned the data included in the staff report related to the rate of COVID-19 cases in Pinole and suggested the staff report had been written in a way to persuade people there remained a crisis in Pinole. Much of the community had reopened with safety measures in place and recent City events, while outdoors, had been well attended with no worries about contamination. She again questioned why City Council meetings had not been opened. She also referenced Item 8E, Vista Woods Affordable Housing Agreement and asked for clarification given her understanding that senior housing could not be counted towards Pinole's Regional Housing Needs Allocation (RHNA). She again requested consideration to provide separate comments under Citizens to be Heard.

Mayor Martinez-Rubin allowed Ms. Long to provide additional comments.

Ms. Long spoke to the Veterans Day Memorial and Flag Retirement Ceremony which had been a great event started in 2008 by the Pinole Historical Society. The event had been well attended including participation from Council member Murphy. She had been surprised to see Council Member Murphy in attendance since he did not stand and honor the flag at City Council meetings.

An unidentified individual who also had difficulties accessing the meeting asked for additional time to provide comments. Referencing Item 8F, he questioned the City expending close to \$61,000 on body cameras. He asked whether or not there were any funds available from Measure X funds for enhancement of security cameras in and around the City, particularly around Fitzgerald Drive and Appian Way. A past report to the City Council had stated that most of the security cameras in the City were inoperable and funding was needed to bring the equipment up to date. He asked the Police Chief and City Manager to comment on the status of that equipment.

City Manager Murray confirmed a presentation had been made to the City Council some time ago about a closed-circuit camera system the City had piloted primarily on Fitzgerald Drive unrelated to Item 8F. Item 8F involved the encryption of police radios in response to new federal standards regarding data security and public safety requirements. He was unaware of the status of the closed-circuit security camera system and asked the public commenter to contact him directly for an update.

Community Development Director Lilly Whalen responded to questions related to Item 8E and clarified the City would be able to credit the Vista Woods Apartment units to the City's RHNA, and staff would take a close look at that through the Housing Element Update and advise the City Council whether staff's assessment was correct.

City Manager Murray also clarified the City was able to invest its affordable housing funds on a certain number of senior units before investing in other types of units, different from the credits in the RHNA.

Planning Manager David Hanham clarified the rents would be set by the adjusted area median income for Contra Costa County.

Assistant City Attorney Alex Mog provided further clarification for Item 8E and explained that the Vista Woods project would be 100 percent affordable and under state law the developer would have to dedicate a certain percentage based on the standards in the Health and Safety Code, and the same requirements of the tax credit. The City's Inclusionary Ordinance also included a requirement that at least 15 percent of the units be affordable based on certain standards. Since the project was 100 percent affordable the applicant had also received a density bonus.

Mayor Martinez-Rubin also spoke to Item 8E and asked the type/size of units provided in the affordability level which had not been identified in the resolution of approval. She referenced Exhibit B as part of the staff report for the item, and the language under the Unit Mix, Rent and Occupancy Restrictions as shown on the first page of the exhibit, which read: *Very Low Income Units, Low Income Units, and Moderate Income Units will be disbursed across the various unit size types in approximately the same proportions as the overall unit size type allocation.* She understood the number of units may change but the rents may not. She asked for clarification of the units that would be designated for the various income levels.

Assistant City Attorney Mog explained that issue had been discussed with the development team. The units would be broken up to be proportional for the project. Since this was a 100 percent affordable housing project, more general language had been included that had shown the units would be roughly equivalent to the overall allocation since over time there may be some small discrepancies as individual household incomes changed.

PUBLIC COMMENTS CLOSED

- A. Approve the Minutes of the Meeting of November 2, 2021
- B. Receive the October 30, 2021 – November 12, 2021 List of Warrants in the Amount of \$447,763.96 and the November 12, 2021 Payroll in the Amount of \$460,360.96.
- C. Resolution Confirming Continued Existence of Local Emergency **[Action: Adopt Resolution per Staff Recommendation (Casher)]**
- D. Resolution Continuing Authorized Remote Teleconference Meetings Pursuant to AB 361 **[Action: Adopt Resolution Per Staff Recommendation (Casher)]**
- E. Vista Woods Apartments – Affordable Housing Agreement **[Action: Adopt per Staff Recommendation (Hanham)]**
- F. Adopt A Resolution Authorizing the City Manager to Enter into An Agreement With Motorola Communications Through Their Appointed Vendor, Red Cloud Wireless Voice and Data, To Purchase Equipment and Software Needed to Encrypt 70 Police Department Radios and With Contra Costa County Department of Information Technology to Perform the Encryption Process at a Total Cost of \$61,281.00 **[Action: Adopt Resolution per Staff Recommendation (Gang)]**

ACTION: Motion by Mayor Pro Tem Salimi/Mayor Martinez-Rubin to Approve Consent Calendar Items 8A through 8F, as shown.

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

9. PUBLIC HEARINGS

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.

- A. Ordinance Adding Chapter 8.10, Organics Reductions and Recycling Ordinance, to the Pinole Municipal Code **[Action: Introduce Ordinance, Waive First Reading and Conduct Public Hearing (Casher)]**

Assistant City Attorney Mog provided a PowerPoint presentation for the item and recommended the City Council introduce and waive the first reading of an ordinance to add Chapter 8.10, Organics and Recycling Ordinance, to the Pinole Municipal Code (PMC).

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, referenced Section 8.10.080, Requirement for Haulers and Facility Operators (a) (4), as shown in Exhibit A to the staff report. He commented that many people purchased CRV items and took them to recyclers to collect the CRV fee, but that clause of the ordinance prohibited separating out that material. He asked for clarification from staff on the intent of the language in that section.

PUBLIC COMMENTS CLOSED

Assistant City Attorney Mog explained that Section 8.10.080 of the ordinance was not new, had been worded a bit differently, but was an existing requirement. The franchise hauler had the sole right to collect trash/recyclable materials within the City. Bringing recyclable materials to a redemption center was permitted since the individual was doing it themselves. The ordinance prohibited the hiring of someone to remove one's recycling materials, which was a service provided by the franchise hauler.

Council member Tave thanked staff and Council member Toms for their work on the Municipal Code Subcommittee. He explained that the proposed ordinance had been kept broad since many elements had yet to be finalized by the state. Once that was done, the ordinance could be more refined. He recognized that many agencies had been involved in the City's ordinance and he thanked everyone who had been involved.

In response to Mayor Martinez-Rubin, Assistant City Attorney Mog clarified the procurement standards of the law were intended to create the reuse of materials that would otherwise go into the landfills and the reason for the procurement mandate was to ensure a market for such materials. He again clarified the purpose of Senate Bill (SB) 1383 and stated that every city faced the same mandate.

Assistant City Attorney Mog reiterated the possible options for the City to meet the SB 1383 requirement, and Senior Project Manager Misha Kaur added the target had been based on a population formula provided by CalRecycle, which formula allowed the City to determine its mix of renewables to reach SB 1383 targets.

ACTION: Motion by Council member Tave/Mayor Pro Tem Salimi to Waive the First Reading and Introduce an Ordinance Adding Chapter 8.10 "Organics Reduction and Recycling" to the Pinole Municipal Code to Reduce the Amount of Organic and Recyclable Materials Deposited in Landfills.

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

10. OLD BUSINESS

- A. Update on Measure X and the County Fire Chiefs' Request for Funding for Fire and Emergency Services [**Action: Receive Report (Wynkoop)**]

Fire Chief Chris Wynkoop reported the Contra Costa County Board of Supervisors (BOS) had concluded its Board meeting just prior to the start of the City Council meeting, and as part of the broader request of the County Fire Chiefs for fire service enhancement, \$2 million had been approved to be allocated towards the reopening of Fire Station No. 74 under an integration agreement with the Contra Costa County Fire Protection District (ConFire). He was excited about the results and what it meant for the community but cautioned that the BOS decision marked the starting point of discussions with ConFire and a lot of work still needed to be done and this process would take time.

PUBLIC COMMENTS OPENED

Debbie Long, Pinole, suggested the Fire Chief was not being quite forthcoming. She understood ConFire contractually wanted to take over the full labor costs of two fire stations in Pinole, which was no different than proposals made in a prior fire study. She thought Pinole would receive \$2 million in Measure X funds to reopen its fire stations and still retain control but that was not the case. ConFire wanted to control the fire stations, and while she would not have had a problem with that if it involved a regional annexation, the City needed to take a look at the Measure X funds allocation which would not cover all of the City's current fire costs but cover ConFire's labor costs. Specific costs for operating a fire station had not been addressed and the unfunded liability for fire would continue to accrue.

Ms. Long suggested Fire Station No. 73 was still valuable to ConFire since it could take one into San Pablo Avenue all the way to San Pablo and Fire Station No. 74 could move up to where Fire Station No. 73 was located. She added that Fire Chief Wynkoop had semi-promised her emergency access at the top of Rancho Place and Galbreth Road, and there was a legal emergency access easement where Fire Station No. 69 could make an easy trip to the valley bypassing half a dozen more lights, the freeway and the school. She suggested the City should decide whether this should be a larger project including potential annexation with the Rodeo-Hercules Fire District and find a solution that worked for everyone as opposed to a contractual partnership that was unsustainable.

Rafael Menis, Pinole, reported he had taken part in the BOS meeting and had provided public comment. He noted there had been explicit confirmation at the end of the BOS meeting that funds for fire services had been passed as part of the list of items identified on the BOS meeting agenda for consideration. A three percent increase had been built into the ongoing expenditures and the BOS would be reviewing expenditures on a year-by-year basis for ongoing projects to determine whether more funding needed to be allocated to the various items the BOS had approved for Measure X funds. He added that a petition from the Pinole community in support of fire services had been provided during the BOS meeting. He suggested it was clear the intent of the BOS was to have an overall integration of the Pinole Fire Department into ConFire, with the funds attached to reconsider how the fire system worked in the region, and it was not a contract level issue.

Irma Ruport, Pinole, had also participated in the BOS meeting and thanked Pinole Fire Chief Wynkoop, BOS Supervisor John Gioia and the Measure X Advisory Committee for their efforts.

Ms. Ruport urged the City to move forward with a plan to reopen Fire Station No. 74, which had been closed for years, given the increase in fire dangers in the region. The reopening of Fire Station No. 74 had been supported by taxpayers and should be reopened to ensure public safety.

PUBLIC COMMENTS CLOSED

City Manager Murray recognized Fire Chief Wynkoop, the City Council and Pinole residents for the call to action to ensure the additional funding towards the reopening of Fire Station No. 74. In response to the public comments, he noted that the use of Measure X funds had never been characterized in any way but to partner with ConFire in a form yet to be determined, with a contract for service a type of integration. He suggested it was premature at this time to suggest that collaboration with ConFire on the reopening of Fire Station No. 74 would involve a contract for service which remained on the table, as was some form of annexation. He also suggested the situation with the Pinole Fire Department was different from the situation for the Rodeo-Hercules Fire District in terms of the processes to be followed. Regardless of the status of the neighboring district, it should not negate the processes open to Pinole. Further, he and staff, including the Fire Chief, had looked at the City's budget and were confident that \$2 million from Measure X funds to be added to what the City was already providing would be adequate to open two fire stations.

Fire Chief Wynkoop echoed the sentiments of the City Manager and characterized this effort to be an unprecedented collaboration for all parties and a testament to all the stakeholders. He appreciated the comments from the public and input received from all citizens and emphasized from the beginning this effort had been proposed as an integrated process with ConFire, and at no point had it been implied the monies would come straight to the City of Pinole.

Fire Chief Wynkoop also clarified the easement at the top of Rancho Place and Galbreth Road remained a front burner issue and he had collaborated with the City Attorney and Council member Toms, who was providing assistance from the County level.

Mayor Pro Tem Salimi thanked City staff, the BOS, Fire Chief Wynkoop and the community for all of their efforts on this issue. He suggested that lives would be saved by this action.

Council member Tave also expressed his appreciation to the Measure X Advisory Committee, his colleagues past and present and the efforts to engage the community on a common goal. He thanked the BOS each individually for engaging the community and taking a holistic approach countywide. He further thanked the County Fire Chiefs and Fire Chief Wynkoop in particular for all of the countless meetings and analyses. He realized a lot of work was ahead of them but at some point, he wanted to see milestones and timelines once that information was available. He trusted that staff would get the work done as they moved forward.

Fire Chief Wynkoop also thanked the County Fire Executive Chiefs.

Council member Murphy echoed the comments, and he too thanked all involved, which included residents of Pinole, and specifically Rafael Menis for the change.org petition and Irma Ruport for all of their efforts. He looked forward to the Fire Chief's collaborative leadership in the future and was happy to support his leadership in an effort to get Fire Station No. 74 reopened.

Mayor Martinez-Rubin referenced the term "integration agreement," suggested it was nebulous, and noted that the City was fortunate that Measure X existed. The BOS had taken the route to consider the West County Fire Stations for allocation of Measure X funds, particularly given the competing needs for the funds. She found the process to be the beginning of understanding what it meant to work with ConFire. She appreciated that the Fire Chief had taken the initiative to work with his peers on the discussions and how public monies could be allocated. She emphasized the importance of the discussions to include time for the review, development, and re-review of the financial components of the different suggestions in terms of the City's budget and where City funding may need to be directed to make residents feel safe, while recognizing environmental conditions had changed since the closure of Fire Station No. 74.

Mayor Martinez-Rubin also appreciated the letters of support presented to the Measure X Advisory Committee and to the BOS. She emphasized the ongoing requirement for medical needs in Pinole to be met by trained firefighters/paramedics particularly given the absence of a local hospital. As the Fire Chief continued his work, she asked that the City Council be provided an update of any discussions including the cost of any models that may be discussed.

Fire Chief Wynkoop acknowledged the Mayor's request.

Mayor Pro Tem Salimi asked that a thank you letter be sent to the BOS and the County Fire Chiefs.

Mayor Martinez-Rubin asked the City Manager to draft a thank you letter to the County Fire Chiefs and the BOS for getting Pinole to this point of enhancing fire services in Pinole.

11. NEW BUSINESS

A. Abandoned Vehicle Abatement Fee Reauthorization and Election [Action: Adopt Resolution per Staff Recommendation (Gang)]

Police Sargent Justin Rogers, Pinole Police Department, presented the staff report and asked the City Council to adopt the resolution contained in Attachment A to the staff report.

PUBLIC COMMENTS OPENED

Deputy City Clerk Stone reported there were no public comments for this item.

PUBLIC COMMENTS CLOSED

ACTION: Motion by Mayor Pro Tem Salimi/Council member Tave to Adopt a Resolution Extending the Abandoned Vehicle Abatement Program and Associated Fee Subject to Voter Approval.

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

B. Proposed Amendment to the Fiscal Year (FY) 2021/22 Operating and Capital Budget Approving Additional Appropriations [Action: Adopt Resolution per Staff Recommendation (Guillory)]

Finance Director Markisha Guillory provided a PowerPoint presentation on the item with the additional appropriations having been identified in the November 16, 2021 staff report. Next steps included adding any Council member recommended appropriations and amending the FY 2021/22 Operating and Capital Budget to be followed by the mid-year budget discussion around February 2022.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, understood that the supply chain issues would affect some of the items identified. Speaking to the process that had been followed when discussing Council member appropriation recommendations, he found the process had been inefficient. He sought a process that allowed for a more considerate approach, and which permitted all Council members to be considered and not just spending money because it was available.

Irma Ruport, Pinole, referenced the City reorganization which had previously been discussed. She expressed concern with the lack of effort to obtain local and state grant opportunities particularly given the pandemic. She asked that someone with grant writing or economic experience be brought on-board along with consideration of an economic development group that could bring money back to the City.

PUBLIC COMMENTS CLOSED

City Manager Murray advised the Strategic Plan the City Council had adopted in February 2020 had included numerous strategies, including direction to staff to come up with a grant evaluation program. The Finance Director was to lead that effort. He emphasized that staff had been successful in the pursuit of grant opportunities and clarified that larger cities typically had a grant writer while smaller cities had a decentralized process as had the City of Pinole. Each City Department was well tied into the grant opportunities in its service area. He otherwise agreed with the challenges of having an incremental and sequential discussion of various budget alternatives. The process being used was common in most jurisdictions, but alternatively a special meeting format could be considered to discuss budget priorities. An extended development process in the upcoming years was anticipated to provide more opportunities earlier in the process for all Council members to share their ideas.

Mayor Martinez-Rubin found the process used for discussing the Capital Improvement Program (CIP), which had been presented prior to the end of the fiscal year had allowed for better budget discussions. She also found that Council member discussions on possible appropriations had to be balanced with the length of City Council meetings.

Council member Tave asked whether the City had salvage value on City-owned vehicles and whether that had been calculated into the appropriations.

Finance Director Guillory clarified the Police Department request to purchase a new vehicle to replace an existing unmarked police vehicle had been detailed in the staff report.

City Manager Murray advised the City Council had established a surplus property disposal process and the City had to act to approve the disposal of surplus equipment, with the equipment sold for the greatest value and with the funding to offset the purchase of new equipment. The Police Department had requested \$31,000 to purchase a Ford Escape to replace an unmarked police vehicle that went out of service after the FY 2021/22 budget had been adopted and which vehicle must be salvaged.

Joseph Bingaman, Public Works Manager, provided additional details on equipment and vehicle purchase appropriations, with the Public Works Department having requested funds to purchase new equipment that would replace aging equipment in the roads, parks, general maintenance, and sewer divisions. The estimated date of delivery varied by type of equipment, ranging from four to six months for the asphalt grinders and turf mower to 36 months for a hybrid bucket truck. With the ongoing delays in supply chains, it was important to order the equipment soon to be placed in the queue. He clarified the request was not for the purchase of two bucket trucks, but he sought direction from the City Council whether it would like staff to purchase a standard model or the hybrid model. Only one bucket truck had been proposed for replacement. Also, given the supply chain issues, delivery of the dump truck was not feasible and the cost was \$20,000 over the amount the City Council had previously approved.

Council member Tave preferred the hybrid bucket truck model even though there was a long lead time. He also liked the chart showing what funds were coming from various City funds but in the future would like to see the totals in all funds.

Council member Tave also commented that he had been unable to include all of the appropriations he would have liked the City Council to consider during prior City Council budget discussions. He described the discussions around the Operating and CIP Budget as brutal and he would have preferred a special meeting to allow the City Council to provide the City Manager with a list of ideas. He recommended the City Council take a step back and try to reconsider the process, such as the use of the Budget Balancing Tool. Asking the City Council to now consider additional appropriations would be another back-and-forth process, and he would rather see a more deliberate and intentional discussion. Given the absence of Council member Toms, he was averse to having this discussion at this time.

Council member Murphy clarified with City Manager Murray the reorganization classification and salary differences between the Assistant to the City Manager and the Management Analyst positions.

City Manager Murray reported that Management Partners had conducted an organizational assessment and had made a number of recommendations, one of which was to have a classification for Assistant to the City Manager to oversee citywide initiatives like legislation advocacy, governmental affairs, citywide communication and engagement and information technology functions. Also, the reconfiguration of the Community Services Director position was clarified with the reorganization involving the creation of new departments and reshuffling of portfolios. Separate Public Works and Community Development Departments had been created both with separate Department Heads and a Community Services Department, which was an amalgamation of Parks and Recreation and other community-oriented services.

In some cases, existing staff were being re-tasked with new portfolios and the Assistant City Manager had been tasked with overseeing the Community Services Department; however, given

the City's historic practice of having individual employment agreements with Department and other Division Heads, the City had a contractual arrangement between the City and Assistant City Manager and could not change the title and classification. While that employment agreement was in place the City needed to maintain that classification and reflect it in the budget. The long-term plan was not to have an Assistant City Manager classification but a Community Services Director. The expiration date of the employment agreement for the current Assistant City Manager was in 2023.

City Manager Murray further commented that funding the City Council had appropriated for economic development support was yet to be determined with the new Community Development Director responsible for economic development. Staff preferred to wait for the recommendations from the consultant on the Economic Development Strategy to determine the best use of funds previously appropriated by the City Council for economic development support.

Responding to the Mayor, Public Works Manager Bingaman again detailed the specifics of the Public Works Department expenditure request for equipment and vehicle purchase appropriations. He reported with the absence of a functional bucket truck, staff had leased a bucket truck although supply chain issues had also made that a challenge. When the Public Works Department was able to secure that equipment, they would be able to schedule required maintenance.

City Manager Murray clarified the absence of the equipment did not mean that routine maintenance could not be conducted on a regular schedule. He stated there was no risk to the community but staff needed to bundle some of the work that required the use of the bucket truck.

Public Works Department staff would be borrowing a bucket truck from the City of Hercules to install the holiday tree lighting in the upper canopies of the downtown trees and decorations of the holiday tree in the community corner, and the City had requested the use of other peer's bucket trucks for City use.

Public Works Manager Bingaman acknowledged the replacement of the bucket truck was not critical if the City had access through rentals or cooperation with other agencies.

City Manager Murray also clarified the appropriation for the Climate Action Plan (CAP) document in the amount of \$120,000, which amount was the going market rate for a critical document. The CAP would provide useful guidance for a number of years.

Council member Tave asked whether the City had documented formal agreements with neighboring cities citing the use of the City of Hercules' bucket truck and given the supply chain issues, which may continue indefinitely, to which Public Works Manager Bingaman responded he was unaware of any formal agreement with peer agencies although in the past there had been a reciprocal situation with the neighboring agency. He explained that the situation was infrequent and occurred more when equipment broke down and could not be replaced within a reasonable period of time or when a rental could not be secured.

City Manager Murray added there had been no discussions between City Managers on this topic.

Council member Tave suggested as the supply chain issues worsened it may be a worthy topic of discussion with neighboring agencies.

Public Works Manager Bingaman noted the issue was only with the bucket truck, as this equipment was currently in high demand. The Public Works Department otherwise had the equipment needed to conduct its daily activities.

Mayor Martinez-Rubin agreed the City Council did not have to discuss additional appropriations at this time recognizing the absence of Council member Toms. She otherwise wanted to know the basis/rationale for any Council member recommended appropriation of additional funds in terms of how it meshed with current plans and with the Strategic Plan. She supported the notion of not having a discussion of additional appropriations at this time, particularly since the City Council had only received a quarter of the reports indicating the status of the budget, with more information to be provided mid-year around February 2022. At that time, the City Council could discuss any additional appropriations or consider allotting time to discuss where they were with the items that had been appropriated and the related programming.

Council member Murphy agreed with the Mayor's approach since he found some of the items overlapped and there would be value to future discussions. He thanked the City Manager and the Finance Director for the information on the budget process during ongoing Council meetings but wanted to continue to find ways for negotiation and approaches that may be valuable for the City Council and the public. He also suggested it would be helpful to see how the Long-Term Financial Plan aligned with the appropriations discussion.

Council member Murphy clarified with City Manager Murray that the purpose of the Revitalization Reserve Fund would have to be researched further to clarify its intended focus and whether that focus had specifically been on the downtown.

City Manager Murray added that the Long-Term Financial Plan included a detailed forecast and plan identifying existing conditions and changes made to expenditures and revenues, with new services and programs to be identified. The Long-Term Financial Plan provided the big picture of the City's condition and capacity over five years and based on that information the City Council was to consider what it wanted to do. Once there was a full blown plan, which would be revisited in the spring of 2022, the idea was that the budget process would be straightforward since ongoing operations and any new things being done should comply with the Long-Term Financial Plan.

Council member Tave suggested this discussion required more attention, time, and involvement with the City Council. As an example, the workshop format to discuss the American Rescue Plan Act (ARPA) funds, which had been held over two weekends, had been beneficial and a similar process could be considered for budget discussions.

Mayor Martinez-Rubin recognized the consensus of the City Council was not to have a discussion on additional appropriations at this time but consider the recommendations from staff which the City Council must consider by adopting the resolution contained in the staff report.

Council member Tave offered a motion, seconded by Mayor Martinez-Rubin to approve the resolution contained in Attachment A to the staff report, with the exception of Item 6, purchase of the hybrid bucket truck.

Finance Director Guillory confirmed the balance would decrease with the removal of the hybrid bucket truck expenditure. She also noted that a public comment had come up after the Mayor

had closed the public comments, and asked the Mayor whether the speaker could provide comment at this time.

Mayor Martinez-Rubin asked that a vote be taken on the motion.

ACTION: Motion by Council member Tave/Mayor Martinez-Rubin to Adopt a Resolution Amending the Fiscal Year 2021/22 Operating and Capital Budget to Incorporate Additional Appropriations, with the exception of the expenditure for the hybrid bucket truck.

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

City Manager Murray advised that he and Finance Director Guillory would be more than happy to return to the City Council with a recommendation and update on the appropriations and a recommendation in advance of the mid-year budget discussion on what the process should be for the upcoming budget cycle.

The City Council welcomed the offer from the City Manager.

Finance Director Guillory also provided an update on the use of the Balancing Act tool after the November 6, 2021 ARPA workshop with responses having increased by 75 percent.

- C. Support 100 Percent Zero-Emission New Vehicle Sales in California by 2030
[Action: Adopt Resolution per Staff Recommendation (Kaur)]

Senior Project Manager Kaur introduced Peter Myers, representing ZEV2030, representing the ZEV2030 campaign, a coalition of organizations and local governments committed to implementing a zero-emission standard for new car sales of light utility vehicles (passenger cars, SUVs, trucks) in California by 2030. The ZEV2030 campaign created a model resolution for the City Council to consider. The resolution expressed support for the state's transition to 100 percent ZEVs and further recommended an accelerated timeline to reach this goal by 2030 instead of 2035. The ZEV2030 Zero Emission Vehicle Pledge, available at ZEV2030.org, articulated the dire need for reform to California's transportation system and commitment to decarbonizing and combating the climate crisis. The resolution did not require the City to take any specific actions. She asked the City Council to consider the adoption of the resolution contained in Attachment A to the staff report.

Peter Myers, ZEV2030 provided a PowerPoint presentation on ZEV2030, Reaching California's Climate Goals and Driving a Transportation Revolution; which included an overview of the Intergovernmental Panel on climate change; identified transportation as the largest contributor to Greenhouse Gas Emissions (GHGs) in the state; why the effort should start in California; the work of ZEV2030 through coalition building, education and public awareness and public advocacy; statewide actions that had taken place; and identified the cities, counties and agencies that had passed ZEV2030 resolutions.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, thanked the City Council for the presentation and urged the City Council to back the ZEV2030 resolution. He asked the timeline for medium and heavy vehicle compliance with 100 percent zero emissions.

Mr. Myers explained that ZEV2030 was not advocating for a particular date for medium and heavy duty vehicles to have 100 percent zero emissions, although the Governor had indicated some goals for those vehicles. Buses had a great opportunity for using hydrogen fuel, with other advocacy groups focused on school buses being electric prior to 2030. Some of the equipment Public Works required was becoming more available electrically, and the electrification of vehicle fleets for cities was another opportunity, with the exception of police pursuit vehicles.

PUBLIC COMMENTS CLOSED

Council member Tave understood the focus was on transportation and the amount of GHGs Pinole was generating, and Mr. Myers explained that the resolution before the City Council was specifically registering a desire to the State to set the goal of 100 percent zero emissions for new vehicle sales in the state.

Council member Tave supported the resolution.

Council member Murphy thanked Mr. Myers for the presentation and Ms. Kaur for driving the issues. He asked whether ZEV2030 had started making presentations to the various transportation boards in the region.

Mr. Myers stated that ZEV2030 had yet to make presentations to the transportation agencies in the region, but it was already a focus for AC Transit. He had started a dialogue with the City of Hercules and as more communities voted on the resolution it would be a simpler policy for the transportation agencies to support.

Council member Murphy asked whether the private sector, such as Uber and Lyft had been approached by ZEV2030, and Mr. Myers stated that Uber and Lyft had indicated a desire that their entire fleets be comprised of electric vehicles by 2030 but there were a lot of equity issues to be addressed, which was why public charging stations were so important. The City of Pinole could help this effort by stopping the distribution of fossil fuels and licensing new gas stations. There were also other programs that assisted in installing public charging stations and Marin Clean Energy (MCE) had information in that regard that could be considered.

Council member Murphy encouraged ZEV2030 to also consider making presentations to the various transportation agencies. He commented on the number of buses that utilized the WestCAT center in terms of environmental impacts to the Pinole Shores area. He looked forward to future presentations on zero emissions policies.

Mayor Martinez-Rubin thanked Mr. Myers for the presentation and the consideration of equity. She asked for clarification of the Governor's declaration and Mr. Myers explained that the Governor's declaration was for 100 percent zero emissions by 2035, and he emphasized since the Governor would not be in office at that time it was important to have actual legislative solutions and something that truly came from state government that 2030 was the goal for 100 percent zero emissions, which would allow time to phase out gas powered vehicles.

Mayor Martinez-Rubin understood that some of the WestCAT buses were slated to be converted to electric vehicles but reported that local transit agencies had been faced with challenges since ridership had decreased and groups were interested in creating a seamless approach to transit that was more practical and affordable than it was now, which had to be kept in mind as part of the subject discussion.

Mr. Myers recognized that transit must be better, personal vehicles even electrified was not the answer to all climate issues, and there needed to be other improvements along with this effort.

ACTION: Motion by Council members Murphy/Tave to Adopt a Resolution Supporting the Goal of Reaching 100 Percent Zero-Emission New Vehicle Sales in California by 2030.

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

12. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Martinez-Rubin reported she had attended a meeting of the WestCAT Board, with the Board having decided to extend the Clipper Card Start Income Based Transit Fare discount pilot program through June 30, 2023, adopted a resolution confirming the continued existence of a local emergency, and directed its staff to establish a COVID-19 vaccination policy for the agency and for contract employees. She asked everyone to continue to adhere to public health guidance related to COVID-19 guidelines.

B. Mayoral & Council Appointments

None

C. City Council Committee Reports & Communications

Mayor Pro Tem Salimi thanked Mayor Martinez-Rubin for having served as Mayor this past year.

Council member Murphy reported a MCE Board meeting would be held on Thursday, November 18 at 7:00 p.m. with information available on the MCE website. He welcomed community engagement for the meeting given the proposal by MCE for rate adjustments, which he detailed at this time. He also invited interested participants to his coffee conversation scheduled for Sunday November 21 at 9:00 a.m. via Zoom, with more information on his website murphyforpinole.com.

Council member Tave reported that RecycleMore would be meeting via Zoom on November 18, 2021 at 6:15 p.m., and briefed the Council on the agenda discussions. He also reported he had received a telephone call from a resident regarding deterioration occurring in City parks. He

encouraged residents to reach out to the City Council and staff with any concerns to allow any issues to be resolved. In addition, he spoke to the 2020 Census and the effort for everyone to be counted. He reported the California Redistricting Commission had prepared redistricting maps, one of which had pushed the cities of Hercules and Pinole into Solano County for the Assembly District and which had effectively moved Pinole out of West County. He urged residents to advocate for Pinole remaining in West County. He briefed the Council on his opinion on this issue and referenced a recent article in the Contra Costa Herald which summarized all of the conversations on the redistricting issue. He encouraged his colleagues to make comments to the Redistricting Commission with meetings scheduled for November 17, 18 and 19. Information was available on the California Redistricting Commission website and everyone was encouraged to engage in the process. He otherwise wished everyone a Happy Thanksgiving.

D. Council Requests for Future Agenda Items

Council member Murphy requested a future agenda item on next steps or options for speed bumps on Pinole Valley Road and Wright Avenue given the concern with the speed of traffic in that area.

Mayor Martinez-Rubin understood a Local Road Safety Plan was ongoing and it was important to have the results of that study prior to a discussion as to what was feasible.

Consensus given for a presentation that stemmed from the Local Road Safety Plan and what could be done given the current issues.

City Manager Murray confirmed a consultant was preparing a Local Road Safety Plan that would be presented to the City Council and which would naturally offer an opportunity to discuss any community concerns and specific discussions on key sections of the Local Road Safety Plan.

Mayor Martinez-Rubin requested a future agenda item for discussion of expanding the City's ordinance related to polystyrene (Styrofoam products) with the existing ordinance prohibiting the use of such products in disposable food ware, and with steps towards the reduction of plastic ware used by different vendors, retailers, restaurants and facilities in the city associated with prepared food and consistent with AB 1383, along with a timeline in which the ordinance would be presented to the public. Consensus given.

Council member Tave requested a future agenda item and a report on how much Pinole contributed to MCE.

Mayor Martinez-Rubin understood an annual report from MCE should be available to the City, and City Manager Murray acknowledged the City Council had already posed the request to MCE and he would follow up on the City's Council's behalf with a report back.

E. City Manager Report / Department Staff

City Manager Murray reported he had the opportunity to speak at the Rotary Club; attended the Veterans Memorial; and advised the Tree Lighting Ceremony scheduled for Saturday, December 4, 2021 would include a pilot program where all Pinole K-12 schools had been invited to bring an ornament and place it on the tree in the community corner; downtown trees had been partially lit;

and a community meeting had been scheduled for December 8, 2021 to consider preliminary designs for the replacement bridge on San Pablo Avenue.

The City Manager also reported that information on the Local Road Safety Plan was available on the City website and the City Council had a lot of dialogue on litter at on/off-ramps on the freeway with staff meeting with Caltrans in early December to discuss the issues. In addition, there had been some deterioration of the rubber playing surface at Pinole Valley Park children's area, with Public Works Department staff to conduct some patching repair with a permanent solution to be considered as part of the CIP. Residents with any concerns with the condition of City facilities were encouraged to contact staff via the City website.

Mayor Martinez-Rubin asked the City Manager to share the information on the December 8 community meeting with his City of Hercules counterparts. She also thanked staff for the efforts to meet with Caltrans in order to have the off/on-ramps to the freeway cleaned.

City Manager Murray reported that staff had coordinated with City of Hercules staff on the meeting date with residents in Hercules who lived near the bridge to receive a mailer.

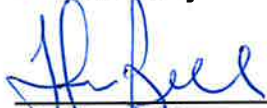
F. City Attorney Report

City Attorney Casher wished everyone a safe and Happy Thanksgiving holiday.

13. ADJOURNMENT to the Regular City Council Meeting of December 7, 2021 in Remembrance of Amber Swartz.

At 10:05 p.m., Mayor Martinez-Rubin adjourned the meeting to the Regular City Council Meeting of December 7, 2021 in Remembrance of Amber Swartz.

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council: December 21, 2021

