

**CITY COUNCIL MEETING
MINUTES
February 15, 2022**

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 Salimi called the Regular Meeting of the City Council to order at 5:00 p.m. and led the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT

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

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

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

A. COUNCILMEMBERS PRESENT

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

B. STAFF PRESENT

Andrew Murray, City Manager
Heather Bell, City Clerk
Eric Casher, City Attorney
Alex Mog, Assistant City Attorney
Maria Picazo, Recreation Manager
Chris Wynkoop, Fire Chief
Markisha Guillory, Finance Director
Lilly Whalen, Community Development Director
Stacy Shell, Human Resources Director
Sanjay Mishra, Public Works Director
Misha Kaur, Senior Project Manager
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on Thursday, February 10, 2022 at 4:00 p.m. with all legally required written notices.

Written comments had been received in advance of the meeting and had been distributed to the City Council and posted on the City website.

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

City Clerk Bell also announced the implementation of new City Council Procedures based on updates the City Council had approved during its February 1, 2022 meeting. She identified the changes to the meeting agenda at this time and detailed the instructions for members of the public to enable their video when making comments.

4. CONVENE TO A CLOSED SESSION

Citizens may address the Council regarding a Closed Session item prior to the Council adjourning into the Closed Session, by first providing a speaker card to the City Clerk.

A. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Gov. Code § 54957.6

Agency designated representatives: City Manager Andrew Murray, City Attorney Eric Casher, Human Resources Director Stacy Shell and Gregory Ramirez (IEDA)

Employees: Unrepresented Managers (Management Compensation Plan)

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

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

At 6:05 p.m., Mayor Salimi reconvened the meeting into open session and announced there was no reportable action from the Closed Session.

6. CITIZENS TO BE HEARD (Public Comments)

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

Jeff Rubin, Pinole, President, Pinole Historical Society and Pinole History Museum, understood the City Council was concerned about the return on investment the City would derive from renovating the Faria House. He asked that the cost and return on investment be put into perspective, particularly given the fact the City provided funds for the Skate Park which served a small segment of the community and produced no revenue, and had ongoing expenses related to funding the hours of operation for the Pinole Library which also produced no revenue to the City. By the year 2025, the City would have spent more than \$1 million for both projects combined. The City had also provided funding for other items which produced no revenue to the City but provided a level of service to the community that could not be quantified in revenue production, and he suggested a museum would be included in that category.

Mr. Rubin also commented that Pinole 4 Fair Government's chief opponent had argued that if the Faria House were to be renovated, it should be used for a revenue generating purpose such as a café but there were many eating establishments in the area and he questioned how many more such businesses were needed. He hoped the City Council had read an article on the revenue that museums generated, which had been included in the 2022 winter issue of the Pinole Historical Society Newsletter available on-line at the Pinole Historical Society website. He suggested a museum would serve the community better than another eating establishment.

Irma Ruport, Pinole, stated that City Council meetings were for and by the people, not for special interest groups or self-serving people who used their position for their own benefit. She read into the record Government Code Section 54950 related to the Ralph M. Brown Act and asked the City Council to keep its deliberations and comments to specific agenda items rather than personalizing items. She urged the City Council to move forward and not waste time or money on useless projects. She emphasized the City had a lot of need and priorities. She otherwise commented that three Council members would be up for election in November and would likely want their time in office to be well spent and forthright rather than lose time and waste money on projects that did not serve all residents.

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Salimi wished everyone a Happy Lunar New Year and Black History Month. He reported he and Mayor Pro Tem Murphy had attended a celebration of Lunar New Year at Shannon Elementary School, which had been well attended.

B. Mayoral & Council Appointments

None

C. City Council Committee Reports & Communications

Mayor Pro Tem Murphy reported a Marin Clean Energy (MCE) Board meeting would be held on Thursday, February 16 at 7:00 p.m. with all agenda information available on the MCE website; Contra Costa County Library would host a community meeting about Measure X on February 16 with information on the Contra Costa County website; Pinole Valley High School Black History Jubilee celebration had been scheduled for February 19 at 1:00 p.m.; and he would be hosting his monthly coffee chat on February 20 at 9:00 a.m. with more information on these activities on his social media website at www.murphyforpinole.com.

Council member Tave reported he had attended a RecycleMore Board meeting and Communications Committee meeting, and briefed the Council on the discussions.

Council member Martinez-Rubin wished everyone a Happy Lunar New Year. She reported she had chaired a statewide League of California Cities Revenue and Taxation Policy Committee and WestCAT Board meetings, and briefed the Council on all presentations and discussions.

Council member Toms reported she had attended meetings of the East Bay Wildfire Joint Powers Authority (JPA); Bay Front Chamber of Commerce State of the City Breakfast; WestCAT Board; and the League of California Cities Housing, Community and Economic Development Policy Committee; and briefed the Council on all presentations and discussions

D. Council Requests for Future Agenda Items

Mayor Pro Tem Murphy requested a future agenda item to discuss how the City would comply with Senate Bill (SB) 9. Consensus given.

E. City Manager Report / Department Staff

City Manager Andrew Murray reported two informational memorandums had been distributed to the City Council regarding new road maintenance equipment the City had purchased to address road conditions, and an update of the Parks Master Plan. He also provided a preview of potential agenda items for the March 1, 2022 City Council meeting.

F. City Attorney Report

City Attorney Eric Casher reported that during the February 1, 2022 City Council meeting the City Council had directed staff to convene a Closed Session for a discussion of the Faria House. There were limited purposes for the City Council to meet in Closed Session, one of which was to conduct real property negotiation which included a requirement for a notice to the negotiating parties, and which required an offer in hand for the property or some interested party to be in negotiation. There were currently no offers or interested parties for the discussion of disposition of real property. The City Council had been informed of these items and the fact there were no immediate plans to convene a Closed Session to discuss the Faria House. Those circumstances may change but currently there were no immediate plans to convene to Closed Session.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, spoke to the reports provided by Council members Martinez-Rubin and Toms on their attendance of WestCAT meetings and his understanding that BART would be withholding half of the revenue for funding connector costs paid to WestCAT. He asked for more information on the basis for which BART was withholding funding.

Council member Toms reported the General Manager of WestCAT had been notified by staff from the Metropolitan Transportation Commission (MTC) and the Contra Costa Transportation Authority (CCTA) of BART's plans to withhold 50 percent of the revenue for the service referenced, and where the WestCAT General Manager was following up with the parties involved.

Council member Martinez-Rubin offered additional details on the discussions with more information to be provided at future WestCAT meetings and with the public encouraged to raise any concerns with BART's General Manager.

Irma Ruport, Pinole, asked for consideration of a future agenda item to provide information to the public to place the Faria House on the November ballot.

Tony Vossbrink, Pinole, found the meeting procedures to be confusing. He understood the public would be able to comment on any agenda item.

Mayor Salimi again clarified the new meeting procedures as earlier described by the City Clerk. Public comments at this time were only being taken for agenda Item 7.

PUBLIC COMMENTS CLOSED

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamations
 - 1. Lunar New Year

The City Council read into the record a proclamation recognizing Lunar New Year.

PUBLIC COMMENTS OPENED

Christy Lam-Julian, Pinole, received the proclamation, and thanked the City Council for the recognition on behalf of Asian Americans in Pinole including the Co-Founder of Shannon Village, which had been created to address missed opportunities to promote and engage the Asian American community in inclusion, unity, social equity and to celebrate diversity. She looked forward to working with the community in that regard.

Cordell Hindler, Richmond, thanked Ms. Lam-Julian for her work, the information provided on Lunar New Year, and the City of Pinole for the proclamation.

PUBLIC COMMENTS CLOSED

The City Council thanked Ms. Lam-Julian for her contributions to the Shannon Elementary School Lunar New Year celebrations.

- B. Presentations / Recognitions

None

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 February 1, 2022 Meeting.
- B. Receive the January 29, 2022 – February 11, 2022 List of Warrants in the Amount of \$786,195.59 and the February 4, 2022 Payroll in the Amount of \$485,026.89

- C. Resolution Confirming Continued Existence of Local Emergency **[Action: Adopt Resolution per Staff Recommendation (Casher)]**
- D. Fiscal Year (FY) 2021/22 Second Quarter Report on Implementation of Capital Improvement Plan (CIP) Projects **[Action: Receive and File Report (Kaur)]**
- E. Receive the Quarterly Investment Report for the Second Quarter (Ending December 31, 2021) **[Action: Receive and File Report (Guillory)]**
- F. Resolution in Support of Bay Adapt: Regional Strategic Plan for A Rising Bay **[Action: Adopt Resolution per Staff Recommendation (Whalen)]**
- G. Receive the Quarterly Report on Implementation of The Strategic Plan for Fiscal Year (FY) 2021/22 Second Quarter **[Action: Receive and File Report (Murray)]**
- H. Receive Quarterly Update on Greenhouse Gas Inventory Effort **[Action: Receive and File Report (Whalen)]**

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, referenced Item 9E, which had shown the net yield for the Local Agency Investment Fund (LAIF) lower than long-term funds, although members of the Federal Reserve stated the intent to increase the baseline interest rate repeatedly over the course of the year. He asked whether the City anticipated changes in the revenue flows due to changes in yield from various investments due to the Federal Reserves planned actions. He asked whether there were any plans for potential action to address that issue.

For Item 9G, Mr. Menis suggested it would be worthwhile to modify the table as shown for Strategy 3 on Page 4 of the February 15, 2022 staff report to be ongoing rather than for a single year, since the City would be working on affordable housing projects over time and not just for one year. As to Strategy 5 as shown on Page 4, until a public engagement plan was fully developed, he asked whether the City had a point of connection for communication like the City Manager's Report or a social media role from the City Manager's Office. He asked whether there was anything in place now prior to the completion of Strategy 5.

Debbie Long, Pinole, referenced Item 9C and questioned whether it was essentially the same as Item 11A.

Cordell Hindler, Richmond, referenced Item 9A and expressed concern with the length of the February 1, 2022 City Council meeting, which was a burden to City staff. He recommended the City Council consider continuing items to a future meeting in the event of time constraints. For Item 9G, he was pleased the City had a new Human Resources Director and had ideas for the City's reorganization plan, compensation study and provided information on the processes used by the City of Richmond. He otherwise found the City Manager had done a good job with the Strategic Plan and hoped it would be implemented.

PUBLIC COMMENT CLOSED

City Attorney Casher described the differences between Items 9C and Item 11A as two distinctly different agenda items. He advised the City Council may approve Item 9C and still take action later for Item 11A and there would be no conflict.

Finance Director Markisha Guillory reported she would have to do more research to respond to the questions related to Item 9E and would get back to Mr. Menis with clarifying information.

City Manager Murray provided clarification for Item 9G and explained that the strategy to create affordable housing had been identified as a one-year project in the Implementation Action Plan, Attachment A to the staff report, although there would be continued work on partnerships for affordable housing. The Strategic Plan strategies were not being updated at this time. In terms of communication and engagement, the City was in the process of developing a Communication and Engagement Plan and was taking steps to improve communication and engagement. In the meantime, and while the plan was being finalized, there was a staff person responsible for coordination of communication and engagement on a citywide basis in the City Manager's Office. Although the position was currently vacant it was hoped the position would be filled soon. The main communication channels included the City website, bi-weekly administrative report, City Hall Facebook page and interested persons could contact the City Manager directly with any questions on citywide communication and engagement via the contact information on the City website.

Mayor Pro Tem Murphy thanked staff for the quarterly financial reports and quarterly report on the Strategic Plan. He encouraged the public to read all of the reports provided. He also commended Community Development Department staff for the information contained in Item 9H.

ACTION: Motion by Mayor Pro Tem Murphy/Council member Toms to Approve Consent Calendar Items 9A through 9H, as shown.

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

10. 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. Adopt Resolution of the City of Pinole Confirming the Costs of Nuisance Abatement at 2718 Silverado Drive and Ordering a Special Assessment in the Amount of \$10,088.46 Against the Subject Property to Fully Recover All Abatement Costs [**Action: Adopt Resolution per Staff Recommendation (Whalen)**]

Community Development Director Lilly Whalen presented the staff report, stated the City Council had been provided written correspondence from the property owner dated "received February 15, 2022," which had also been posted on the City website.

Ms. Whalen recommended the City Council adopt the resolution contained in Attachment A to the staff report which confirmed the costs incurred by the City to abate a code violation and nuisance at 2718 Silverado Drive, Pinole, and order a special assessment to be levied against the subject property in the amount of \$10,088.46 to recover all abatement costs.

Responding to the Council, Code Enforcement Officer Justine Sidie explained how the contractor who had removed the trees had been selected via the least expensive bid provided. She again identified all of the notices provided to the property owner as outlined in the February 15, 2022 staff report. She also had two separate telephone calls with the property owner on two separate occasions at which time the property owner (Martin Eyestone) had stated he would be reaching out to companies to inspect and provide quotes for tree removal. Mr. Eyestone had later informed her via voicemail a contractor he had previously contacted fell through and he would be contacting other companies to obtain quotes for tree removal. She left a voicemail with Mr. Eyestone on August 8, 2021 to inquire of the status and had received no response after that time.

Ms. Whalen clarified the citations costs had not been included in the assessment to be levied against the property. The Pinole Municipal Code (PMC) was clear that only abatement costs could be assessed as a special assessment to a property owner. The special assessment to be levied against the property would be required to be paid upon the next payment of municipal taxes, although the City Council had the option to place the assessment as a lien on the property and the lien would be paid at the time the property transferred ownership.

City Attorney Casher explained if the City Council adopted the staff recommendation and issued a special assessment, it would be added to the property tax to the property, to be collected as part of property taxes paid to Contra Costa County, which would be the enforcement agency for collections. Whether the special assessment could be paid over time or over multiple years, he advised the City Council may direct City staff to pursue various forms of recovery of the amounts owed and if the direction of the City Council was to spread the payment over a few years that could be considered; however, efforts to recover costs to date had been unsuccessful.

City Attorney Casher again identified the staff recommendation to order a special assessment to be levied against the subject property in the amount of \$10,088.46 to recover all abatement costs to be collected as part of annual property tax payment. As an option, the City Council may place a lien on the property to be paid at the time the property transferred ownership. He understood that \$10,088.46 was the actual costs incurred by the City which was what the City was looking to recover but he would look into whether interest would apply if the payment were to be paid over time.

PUBLIC HEARING OPENED

Martin Eyestone, 2718 Silverado Drive, Pinole, the property owner, commented that the money due for the abatement represented around 12 percent of his annual income. He reported he had received nothing from Code Enforcement Officer Sidie or a bill indicating the costs incurred by the City. He had first learned of the matter on November 29, 2021 when papers had been posted near his garage informing him when the abatement would take place. He had received no information about fines. He asked Code Enforcement Officer Sidie the morning the abatement had taken place why his car had to be towed and had been informed it was because a crane would be brought in to do the work, although a wood chipper had been used which had impacted the neighborhood with dust and noise.

Mr. Eyestone stated the towing service hired did not have the proper equipment to move his vehicle, and because of that his vehicle had been damaged after it had been dragged when it was removed and thereafter returned. The company hired to abate had not conducted any cleanup, left debris in his yard and damaged a fence. In addition, there had not been two trees to abate until the morning of the abatement.

Mr. Eyestone stated he had informed Code Enforcement Officer Sidie of his efforts to bring in a contractor to remove two trees and only at that time had Code Enforcement Officer Sidie asked the contractor conducting the abatement to remove the two trees. While he had been told the removal of the two trees would not cost more money, additional fees had been imposed. He suggested there was incompetence involved in this situation and stated he had everything documented in photographs including the damage to the fence and debris left on the property.

PUBLIC HEARING CLOSED

Council member Toms clarified with Code Enforcement Officer Sidie the notices notifying the property owner of the requirement to abate and all citations had been mailed certified receipt request. Some receipts had been mailed back and signed received and some had been returned unclaimed.

Council member Tave supported the option of a lien or a payment program. He wanted the City Council to consider either option as a possible compromise.

Council member Toms understood the assessment to be placed on the property would require payment in the next property tax cycle scheduled for November 10, 2022. If a lien were placed on the property payment would not occur until the property was sold, which may not occur until years in the future and there was a chance the City would not be paid depending on the circumstances at that time. She understood the potential action the City Council may impose would be setting a precedent on how the City dealt with code violations. She realized that adding the assessment would not be easy for the property owner.

Council member Martinez-Rubin wanted more information on a possible payment plan. She found that the property owner had been appropriately notified of the requirements and reasons for the abatement. She suggested the property owner must bear some responsibility for those consequences. If a payment plan could be considered it would allow some flexibility for the property owner to pay the assessment. She also recognized pursuant to correspondence received from the property owner that there were some health issues and differences in opinion in how the City had provided notices, but she found the appropriate process had been followed by staff and pointed out there were consequences to not responding to a potential threat to the public. She again asked that staff consider a payment plan for the assessment which would require a conversation with the County Assessor's Office.

Mayor Pro Tem Murphy acknowledged the difficult situation for the property owner which had occurred in the midst of the pandemic. Based on the information provided and depending on how the Council moved forward this matter would be in the hands of the County Assessor's Office. He detailed all of the possible options and asked if they were options provided by the City or the County Assessor's Office.

City Manager Murray reported it was up to the City Council to consider the mechanism to be pursued in collecting the amounts owed. Based on the discussion, he suggested an assessment over a period of two years would allow the homeowner time to arrange his finances. He pointed out the homeowner was aware of the need to remediate the situation and remove the trees and again detailed the City's efforts to perform that work. The homeowner was faced with paying to remove the trees irrespective of the City's involvement and as noted, there were certain responsibilities with being a homeowner.

Mayor Pro Tem Murphy would consider the new option offered by the City Manager. He found that staff's efforts had been holistic but given all of the options he asked whether the current policies or whether the PMC would consider community service to the City in order to decrease the costs incurred, to which City Manager Murray responded that he was unaware of any such mechanism that could be considered.

City Attorney Casher concurred there was no mechanism within the PMC that would allow community service to pay down an assessment although all options were on the table for City Council consideration. The PMC allowed interest on a payment and if the City Council were to elect to break the payment into two different assessments and over two years, the City may impose up to 8 percent interest on the second payment. If the property owner did not pay the assessment at the end of the year, he was uncertain of the consequences.

Assistant City Attorney Alex Mog advised that once an assessment had been added to a property tax bill the County had a process for recovery over time if not paid. It was possible non-payment of property taxes could result in foreclosure at some point. He also understood the County charged interest on unpaid property taxes.

Mayor Salimi asked staff to get back to the City Council on the options such as the County's process to spread out the payments. He did not want to set a precedent on something that had not been done before.

Council member Toms suggested the following modification to Page 2, Section 4 of the resolution contained in Attachment A, as follows:

SECTION 4. That the County Auditor-Controller is respectfully requested to enter the amount of the special assessment on the County Tax Roll opposite of the parcel of land referred to, and that thereafter said amount shall be collected 50 percent for Fiscal Year 2022/23 and 50 percent plus interest for Fiscal Year 2023/24 at the same time and in the same manner as ordinary municipal taxes.

Council member Toms understood if the item were continued it would not require another notice of the public hearing and if the resolution in Attachment A were to be adopted it must be in a format that was acceptable to the County Assessor's Office.

City Manager Murray provided an overview of a program he understood was available from the State Controller's Office regarding tax postponement. If the City decided to impose the assessment over one year, or multiple years, and the property owner was unable to pay the taxes there were also deferral options or programs available to the property owner that the City may not provide through Contra Costa County or the state.

Council member Tave asked that the item be continued to allow staff time to review a payment plan and update the staff report to reflect the direction from the City Council.

City Attorney Casher confirmed that the resolution could be amended to reflect the City Council direction. He understood there was consensus to break up the assessment over two years. The question was whether the County needed two separate resolutions or whether the action could be provided in one resolution. He recommended the public hearing be continued to allow staff to obtain that confirmation from the County and bring the item back to the City Council for formal approval.

Mayor Salimi asked that the resolution in Attachment A be retained, and staff return with the options to create a payment plan at the next meeting of the City Council.

Council member Toms pointed out if a payment plan were to be considered the resolution would have to be modified. If the Mayor wanted to retain the resolution, the City Council could move the item and rely on the payment plans available through the County and the state.

City Attorney Casher suggested that would be a good idea. The resolution in Attachment A could be amended to reflect the language proposed by Council member Toms breaking up the payments over two years and staff could submit that to the County and inform the County of the City Council's direction. If for whatever reason the County required something different, the item could be brought back to the City Council for further consideration.

City Manager Murray added for a second hearing information could be added to the staff report about the deferral and installment programs provided by the state and the County.

Mayor Salimi allowed the property owner the opportunity to speak again at this time.

Mr. Eyestone found the matter to be one-sided in terms of incompetence. He reiterated he had been in the process of obtaining a contractor to remove both trees for \$5,000 or less when the City stepped in and took over. He had signed nothing related to this matter and had no return address on anything. He found the situation had been mishandled and asked how the City would address the damage to his property and vehicle. He objected to the way the abatement had been handled and emphasized the number of times he had attempted to contact Code Enforcement Officer Sidie but she had never been at her desk.

In response to the Mayor, City Attorney Casher clarified if the City Council moved the item a second public hearing would not be required.

ACTION: Motion by Council members Toms/Tave to adopt a Resolution of the City of Pinole Confirming the Costs of Nuisance Abatement at 2718 Silverado Drive and Ordering a Special Assessment in the Amount of \$10,088.46 Against the Subject Property to Fully Recover All Abatement Costs, as originally presented.

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

11. OLD BUSINESS

- A. Resolution Continuing Authorized Remote Teleconferenced Meetings Pursuant to AB 361 **[Action: Adopt Resolution per Staff Recommendation (Casher)]**

City Attorney Casher presented the staff report and asked the City Council to adopt the resolution contained in Attachment A to the staff report.

Responding to the Council, City Clerk Bell explained that staff had been able to create a model where citizens may participate in City Council meetings remotely via Zoom and also simultaneously in the Council Chambers, with the Zoom participants' images projected in the Council Chambers and with a video feed of the Council Chambers for any participants in-person visible to those participating by Zoom. She detailed the current regulations of AB 361 and noted the technology was there for a hybrid meeting format, but testing would need to be continued. If the City Council directed staff to proceed with a hybrid format staff would need to do a run through and work out any kinks in the hybrid model. At this time, with new safety protocols and making sure staff was ready to facilitate a hybrid model, she suggested it would be possible for the City Council to meet in-person on March 15, 2022. That schedule would allow staff time for additional testing.

Human Resources Director Stacy Shell detailed the safety protocols that staff had discussed pursuant to the recommendations from the County Health Department including a recommendation that all participants be masked, and if possible, to implement social distancing.

City Manager Murray added a new Health Order was anticipated that would change the requirements for masking effective February 15, 2022, and he detailed the new requirements that were anticipated for masking and social distancing. Current guidelines from the County Health Department required masking, social distancing and symptom monitoring as much as possible. For the hybrid format for in-person/virtual Council meetings, all in-person attendees (including Council members) would be required to do a self-test, wear a mask except when speaking, and maintain social distancing which would be possible in the Council Chambers. Air purification and filtering systems could be provided upon Council direction with the specifics of two different approaches/levels to air filtration/purification detailed at a cost of around \$7,000. That equipment could be made ready for the March 15 City Council meeting.

As to whether contact information would be required of in-person attendees, City Clerk Bell advised that staff had received recommendations from the County Health Officer via a revised notice dated February 2, 2022. A voluntary attendance sheet had been recommended with some contact information. This could be considered as part of any self-test the public would do with the contact information to be used only in the event of a need to contact the public, which would be done on a voluntary basis.

City Attorney Casher commented that if the City Council adopted the resolution in Attachment A there would be the flexibility to have some Council members be present in-person in the Council Chambers and some virtually. If the City Council decided to meet in-person on March 15 but if a Council member was not comfortable meeting in-person, staff had discussed having Council member(s) be physically present on-site in the Conference Room to be able to meet the requirements of the Brown Act to have a majority of members physically present.

City Clerk Bell clarified if the City Council did not authorize the continuation of AB 361 and the authorizations it provided, the City Council would have to meet the strict requirements of the Brown Act which meant if a Council member was not present in the Council Chambers but wanted to participate in the meeting, their location would be required to be noticed to the public, the locations listed on the meeting agenda and the members of the public afforded the opportunity to participate from those locations.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, understood that AB 361 would expire at the end of March 2022. He asked that a future agenda item be considered to request that state representatives consider extending AB 361 beyond March 2022 given that some of the Brown Act restrictions could be mildly absurd. As to the hybrid in-person model for City Council meetings, he had concern how mask wearing indoors would be enforced over the course of the meeting to ensure people remained safe. As to the recommendation for contact information to be provided voluntarily, he asked whether the information would be used for contact tracing or for any purpose needed by the City. He suggested the purpose of collecting that information should be clearly stated to the public.

Cordell Hindler, Richmond, agreed that meetings should return to an in-person format. He noted the City of Berkeley had held hybrid format meetings and suggested Pinole should consider the same.

Debbie Long, Pinole, emphasized it was time to open the Council Chambers to the public. The staff report presented by the City Attorney had included information about state guidelines but did not include the most recent requirements from Contra Costa County, which she detailed. The staff report written by the City Attorney offered reasons to extend the remote teleconferenced meetings but provided no information why it would be safe to open meetings to an in-person format. She also spoke to the impacts from the Omicron variant which was no more or less than the cold or flu. She suggested by not opening up meetings, it was apparent the City Council did not want the public to scrutinize how the City Council was conducting the business of the City. She pointed out the differences between the virtual and in-person formats, with the virtual format making it difficult for the public to read documents and the clarity of the audio was very poor.

Ms. Long asked the City Council to take a commonsense approach and reopen the Council Chambers for City Council meetings, otherwise she would have to conclude that transparency and accountability was not a platform the City Council subscribed. She hoped that at the least the City Council would hold a hybrid meeting on March 15.

Peter Murray, Pinole, was pleased with the County Health Department's new guidelines and lifting of mask wearing for various uses and businesses. He suggested it was time to reopen the Council Chambers given there were serious discussions on numerous items of public concern, including many of the subject agenda items. He suggested most people in Pinole had been vaccinated and there should be little worry about any safety issues. He urged the City Council to reopen the Council Chamber and get back to the routine business of the City.

PUBLIC COMMENTS CLOSED

Mayor Pro Tem Murphy stated a March 15 return to in-person meetings for a hybrid model was reasonable and supported a letter of support for Governor Newsom's extension of AB 361.

Council member Martinez-Rubin supported the recommendations from the County Health Officer.

Council member Toms supported authorizing the continuation of AB 361. She suggested the March 15 City Council meeting could be a test for Council members comfort level meeting in-person.

Council member Martinez-Rubin offered a motion, seconded by Mayor Pro Tem Murphy to adopt the staff recommendation.

On the motion, Mayor Pro Tem Murphy requested that direction be provided to staff to return with guidelines for a hybrid meeting format to ensure clarity. He supported the resolution, as is.

Mayor Salimi asked that the motion clarify that the City Council would return to a hybrid meeting on March 15, 2022.

Council member Martinez-Rubin did not see that needed to be included in the motion since it was procedural although she suggested the City Attorney provide direction.

City Attorney Casher suggested the City Council adopt the resolution as is, and then subsequently provide direction to staff via a motion regarding a March 15, 2022 City Council meeting and any parameters to be implemented as part of a hybrid format for the meeting.

ACTION: Motion by Council member Martinez-Rubin/Mayor Pro Tem Murphy to adopt a Resolution of the City of Pinole Authorizing Continued Remote Teleconference Meetings Pursuant to AB 361.

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

Mayor Salimi offered a motion, seconded by Council member Martinez-Rubin to resume in-person City Council meetings starting March 15, 2022 in a hybrid format based on the following direction to staff: give the public options for self-testing to ensure no symptoms prior to entering the Council Chambers, wear a mask and social distance in the Council Chambers, and provide two-level ventilation upgrade and implement the mechanism for voluntary contact tracing with the information to be used for contact tracing purposes only, as needed.

On the motion, Council member Toms noted that indoor masking requirements had been lifted in most circumstances as of February 15. Rather than have the City Council and the public be required to wear masks, she suggested following the recommendations of the County Health Officer.

City Manager Murray commented that due to the length of the Council meetings and proximity of seating, even with social distancing, people would have longer than average exposure which was why staff was interested in seeing people wear masks even if not required in the Council Chambers.

ACTION: Motion by Mayor Salimi/Council member Martinez-Rubin to resume in-person City Council meetings in a hybrid format starting March 15, 2022, with the following direction to staff: give the public options for self-testing to ensure no symptoms prior to entering the Council Chambers, wear a mask and social distance in the Council Chambers, and provide two-level ventilation upgrade and implement the mechanism for voluntary contact tracing with the information to be used for contact tracing purposes only, as needed.

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

Mayor Salimi declared a recess at 8:45 p.m. The City Council meeting reconvened at 8:50 p.m. with all Council members and staff present via Zoom.

B. Options for City-Sponsored Fourth of July Fireworks Show for 2022 [Action: Discuss and Provide Direction (Picazo)]

Recreation Manager Maria Picazo provided a PowerPoint presentation of the staff report, and asked the City Council to receive the report on the options for a City-sponsored Fourth of July celebration for 2022 and provide direction to staff. Staff also recommended the City Council consider allocating \$30,000 from the \$100,000 already budgeted for unspecified community events to support the 2022 Car Show, and review and approve the list of City-sponsored community events for 2022, as outlined in the February 15, 2022 staff report.

Responding to the Council, Ms. Picazo again clarified the alternatives to a Fourth of July Fireworks celebration, as outlined in the staff report, and the fact the City of Hercules would be finalizing its fireworks celebration plans this week and Hercules had expressed the willingness to be open to possible collaboration with Pinole.

City Manager Murray understood the City of Hercules' preference was for a land-based launch site for their fireworks display and the city was evaluating its options and expected to make a decision this week. If there was another launch site on land, the question was whether it would be visible and accessible to Pinole residents, and then whether some cost sharing could be considered. Pinole staff was in a wait-and-see pattern but the City Council could provide direction to staff if a Hercules site was equally accessible to Pinole residents that staff collaborate with Hercules on a fireworks show. If Hercules selected a site that was not accessible to Pinole residents, staff could proceed to Plan B. He added the Pinole Car Show had been tentatively scheduled for June 26, 2022, a week prior to the Fourth of July and confirmed Pinole had not had back-to-back events in the past and he was uncertain whether that would diminish one or the other events.

City Manager Murray added that the vendors had provided costs for the proposed Fourth of July event options, which costs varied depending on the dates identified in the staff report. There was little difference in the costs provided. The City Council should decide the ideal date for the event in that staff had no preference.

Council member Toms reported she and Council member Rubin had spoken with a Hercules Council member and had been provided cost estimates on fireworks displays. If Hercules could have a fireworks program from a barge or display that was visible from Bay Front Park that would be the best route, since it could be a longer fireworks show and would benefit both Hercules and Pinole residents. If staff later learned the fireworks display in Hercules was not visible to Pinole residents at that point the City Council could consider the other options listed in the staff report and time an event in Pinole that did not overlap the Hercules fireworks display.

Ms. Picazo and City Manager Murray again detailed the staff recommendation and the request for the City Council to consider allocating \$30,000 from the \$100,000 already budgeted for unspecified community events to support the 2022 Car Show and review and approve the list of City-sponsored community events for 2022, as had been outlined in the staff report. It was clarified the City Council had approved City support for the 2021 car show in an amount up to \$15,000.

City Attorney Casher clarified that the City Council could move forward with direction to staff on any variety of the proposals being advanced. Staff could be asked to enter into an agreement with the amounts proposed as outlined in the staff report.

Ms. Picazo again detailed the list of 2022 Community Events which had been budgeted with the exceptions of the Car Show and Fourth of July events.

Finance Director Guillory clarified the Car Show had been budgeted at \$15,000 and other City-events at the \$100,000 included in the adopted budget for 2022.

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, suggested Option 1 for the laser show as outlined in the staff report should be considered since it would be inexpensive, reasonable and would offer a nice display for Pinole.

PUBLIC COMMENTS CLOSED

Ms. Picazo again clarified the cost estimates for the vendor proposals as outlined in the staff report for the laser and drone light shows with the cost estimates and dates for fireworks displays having been included in the February 1, 2022 staff report, as Attachment B to the February 15 staff report.

Mayor Pro Tem Murphy explained that he had requested some alternative options during the February 1 City Council meeting and he thanked staff for the information provided. He spoke to his efforts for sustainable practices and noted that the alternatives technically were a bit more sustainable and less expensive. He encouraged consideration of a public awareness campaign to discourage individual fireworks in the community and encourage residents to patronize a community fireworks display. He found that a fireworks display would be a valuable opportunity to bring the community together particularly when moving out of the pandemic. He supported the execution of a great fireworks show and consideration of a Summer Festival staff had outlined in the staff report.

Mayor Pro Tem Murphy urged that any celebration stay within environmental and sustainable practices for the programming schedule. He supported a fireworks display as a great tradition to the community and that the Fourth of July celebration also include the Summer Festival and the laser light show and include a mechanism to survey residents about what they liked about the Fourth of July celebrations with an evaluation process during and after the program.

Council member Tave wanted the City to partner with the City of Hercules and allocate funds to that effort. He understood the celebration for the Fourth of July was evolving and agreed they should get community input about the celebration. He emphasized that a fireworks display would be great for the community, had not occurred for a while and there was a lot of sentiment around the holiday.

Council member Toms was interested in pursuing a partnership with the City of Hercules for an extended fireworks show if it could be made to work.

Council member Martinez-Rubin agreed with the need to partner with the City of Hercules and if that did not work to then consider the alternatives.

Mayor Salimi suggested the City of Pinole should move forward with its own fireworks display to avoid the need to return to the City Council for more direction. He wanted to see Pinole's Fourth of July event to be held on July 2, 2022 at a cost of \$15,000. He recommended the City organize its own fireworks display because it would allow the option to have it paid and planned in the event Hercules was unwilling to partner with Pinole. He wanted to extend to the City of Hercules Pinole's willingness to partner, but if Hercules was unwilling it would allow the option for Pinole to keep its dates and not lose time. In addition, he asked the City Council to consider the creation of a Summer Festival to also be held on Saturday, July 2. If Hercules was willing to partner with Pinole they could then work with Hercules. He did not want to lose the date and if Hercules wanted to work with Pinole they could move forward together.

Council member Martinez-Rubin advised that Hercules had a set date of July 4 for its Fourth of July fireworks show with the location yet to be determined, as discussed.

Ms. Picazo again clarified the cost estimates for the fireworks displays as shown in the February 1 staff report and the available dates. The Summer Festival, which had been outlined in the February 15 staff report, involved a separate cost.

Mayor Salimi was informed there was another public comment and City Attorney Casher advised that reopening the public comment was at the discretion of the Mayor, who did not reopen public comment at this time.

Council member Tave recommended an event be held on the Fourth of July and again suggested the City should start with its own fireworks display. He suggested the Summer Festival would be too much to tackle at this time, and recommended a 20- to 30-minute fireworks show as more appropriate. While he understood that would overlap with Hercules' fireworks plans and while there was a desire to coordinate city efforts, he recommended the City Council move forward with its own fireworks display.

Mayor Salimi suggested a Summer Festival would increase revenue for the City and benefit local businesses. He re-opened public comment at this time but the speaker was unavailable.

Council member Tave offered a motion to move forward with a fireworks display, with Pinole staff to reach out to Hercules staff to determine whether or not a combined show could be considered. If efforts with Hercules were unsuccessful, a 10- to 20-minute fireworks display on July 4 could be held.

City Manager Murray reiterated the City of Hercules would make a decision by the end of the week. He restated the motion for Pinole staff to approach the City of Hercules with an offer to cost share on a fireworks show on July 4, 2022 (with a deadline of Friday, February 18, 2022 at 5:00 p.m.), and assuming a Hercules fireworks show would be at a location viewable to Pinole residents. If unfeasible, the City of Pinole to move forward with its own fireworks show on July 4. He noted a vendor did not have to be identified at this time but the cost for the fireworks show needed to be identified by the City Council for approval.

Council member Tave again restated the motion for Pinole staff to approach the City of Hercules with an offer to cost share on a fireworks show on July 4, 2022 (with a deadline of Friday, February 18, 2022 at 5:00 p.m.), assuming it would be at a location viewable to Pinole residents. If unfeasible, the City of Pinole to move forward with its own fireworks show on July 4. Again, a vendor did not have to be identified but the cost for the fireworks needed to be identified.

As outlined in the February 1 staff report, Ms. Picazo advised the total costs including staff time for a fireworks show on July 4, 2022 would be \$54,770. It was noted that the motion as stated by Councilmember Tave included a cost of \$54,770 for the fireworks show.

Mayor Pro Tem Murphy seconded the motion and clarified the intent for the Fourth of July event to be held on July 4, 2022, which would also be a City holiday. As to the Summer Festival activities, he understood the available date for the vendors had been identified as July 2, 2022 given that most of the vendors had already been booked for the holiday weekend.

ACTION: Motion by Council member Tave/Mayor Pro Tem Murphy to direct Pinole staff to approach the City of Hercules with an offer to cost share for a fireworks show on July 4, 2022 (with a deadline of Friday, February 18, 2022 at 5:00 p.m.), assuming it would be at a location viewable to Pinole residents. If unfeasible, the City of Pinole to move forward with its own fireworks show on July 4, 2022, at a cost of \$54,770.

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

After the motion was made and in order to provide clarification to the Mayor, City Manager Murray stated the motion was clear in the event Hercules did not want to cost share, the City of Pinole would move forward with its own fireworks show, pursuant to the stated and adopted motion.

Mayor Pro Tem Murphy again wanted the City Council to consider a community centered and focused event and consider ways to allow community groups to table prior to the commencement of a fireworks show. He expressed the willingness to partner in that effort and emphasized the importance of community connection.

City Manager Murray understood the Mayor Pro Tem was suggesting some ancillary activity and opportunity for the community to gather at some point on July 4 in advance of the fireworks show, and at a park location at a time for community groups and City staff to table, which would be feasible and would not include vendors, but be a different kind of event. He asked that the City Council offer a motion for said direction.

Mayor Pro Tem Murphy offered a motion, seconded by Mayor Salimi in the spirit of the Fourth of July to create some kind of "Fourth of July democracy circle" that allowed for a space for City Departments and local organizations to table before the July 4 event and provide information.

On the motion, Council member Toms asked whether campaigning would be allowed in a City park or whether they were speaking of non-profits, and City Manager Murray deferred to the City Attorney whether the organizations allowed to table would be restricted.

City Attorney Casher commented that if the City Council moved forward with the motion, as stated, staff would provide direction to those who may be interested in tabling and place restrictions that may be necessary to restrict political activities.

Mayor Pro Tem Murphy clarified his intent for a public event.

Council member Martinez-Rubin supported the vendors being non-profits and private sellers who had been permitted in the past and that campaigning not be permitted.

City Clerk Bell restated the motion, when asked, to direct staff to organize a "Fourth of July Democracy Circle" or space where information could be shared in the hours preceding the Fourth of July fireworks show to be arranged for July 4, 2022.

City Manager Murray commented that there had been a reference to vendors but there would be no vendors, just local organizations to share information. He was uncertain a local non-profit could be prevented from campaigning.

City Clerk Bell acknowledged the concerns and noted that City resources could not be used in campaigning activities. She suggested that with the City Attorney's assistance specific guidance could be provided, which would occur after the meeting.

City Attorney Casher noted this would be a City-sponsored event and there were questions about the level of resources that could be committed. He would like to defer that decision until he had the opportunity to conduct some analysis.

Mayor Pro Tem Murphy reiterated his intent for an event to allow a discussion of what was freedom for people. It would be a public event consistent with one of the activities staff had outlined in the February 15 staff report. He would leave it to the City Clerk and the City Attorney to identify what organizations may or may not be allowed to use City resources. He asked that the motion be considered.

Council member Toms commented that Bay Front Park was a small space, and any tabling would require clearing tables out of the lawn area, which would become busy with spectators and there needed to be a time when the tabling ended and the lawn was opened for spectators to watch the fireworks show.

Mayor Salimi was informed there was public comment but again stated the public comment period had been closed.

ACTION: Motion by Mayor Pro Tem Murphy/Mayor Salimi to direct staff to organize a “Fourth of July Democracy Circle” or space where information could be shared in the hours preceding the Fourth of July fireworks show to be arranged for July 4, 2022.

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

- C. Receive Information and Provide Direction on Capital Improvement Plan (CIP) Projects **[Action: Discuss and Provide Direction per Staff Recommendation (Mishra)]**

Senior Project Manager Misha Kaur provided a PowerPoint presentation on the Capital Improvement Plan (CIP) Projects, and asked the City Council to receive the information and provide direction on the implementation in the Capital Improvement Plan FY 2021/22 – 2025/26 as contained in Attachment A.

Responding to the Council, Ms. Kaur highlighted the CIP Projects for FY 2021/22 currently underway, some of which involved multi-year efforts and those staff recommended be deferred, which had been outlined in depth in the February 15 staff report. She again explained why the list of deferred projects had been recommended for deferral. If the City Council agreed with the list of deferred projects, staff was considering the possibility of categories for scoring and a matrix for prioritization which would come back to the City Council for a future discussion. A list of the CIP projects for FY 2021/22 absent the deferred projects were also highlighted as shown in the staff report.

Public Works Director Sanjay Mishra provided additional clarification how the CIP projects had been prioritized and City Manager Murray described the evolution of the CIP process leading to prioritization and again detailed the reasons for the recommended list of deferred projects, with staffing and limited resources some of the main reasons.

Mr. Mishra confirmed in response to the Mayor that a Master Schedule and baseline chart identifying when a project started and was due for completion could be provided and the reasons for any delay. The history of the project such as the ongoing earned value, planned value, original cost, and forecasted costs could be provided after research. The oldest project in the CIP was Project No. FA1703 Paint City Hall, which was from year 2017 and on the list of deferred projects.

As to the completion of the Park Master Plan and what that meant for park maintenance, City Manager Murray spoke to the challenges with some of the City’s facilities and stated the CIP did not reflect everything the City was doing to maintain its facilities but had identified the capital projects. He provided an overview of the maintenance activities in City parks.

Referencing the Senior Center Auxiliary Parking Lot, Ms. Kaur confirmed there were different options for the City Council to consider to be able to continue progressing on the design.

Ms. Kaur again asked the City Council to consider the staff recommendation to consider the approval of the list of deferred projects. If the City Council made no decision on the deferred projects, staff would need direction on how to move some of the projects. She again detailed the list of CIP projects for FY 2021/22 as outlined in the staff report, some which were multi-year projects and noted not all would be completed by June 30, 2022.

Project No. FA1901, Senior Center Auxiliary Parking Lot, was highlighted with staff seeking direction on the preferred build-out scenario. Funding from MCE had been presented at either the full build out of the alternative for five Level Two Charging Ports and a discount and rebate the City would receive for each port for a total of \$15,000. For the parking lot to be solar ready, not solar installed, it would cost an additional \$160,600. Based on the Council direction, staff could return with additional information if the desire was to move in a solar direction or both.

Staff did not want to progress with the design absent direction from the City Council. The alternatives were the Full Alternative or the Alternative Build Out. The Full Alternative would involve fully paving the lot, including striping, lighting, landscaping, storm water retention and installation of electric vehicle (EV) charging stations. The Alternative Build Out would be a gravel lot, would not trigger storm water retention, and the option of including or not including the EV charging stations.

Julia Harberson, Consultant, added that to make the Senior Center Auxiliary Parking Lot EV ready would involve small incremental costs. A full solar installation would cost \$160,600.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, expressed concern with the practicality of the Alternative Build Out and gravel lot alternative for the Senior Auxiliary Parking Lot, particularly for senior citizens and the use of the adjacent Fowler lot. As to the deferred projects, he cited CIP Project Nos. FA1702 Citywide roof repairs and replacement; PA2001, Bocce Ball Court; and SS2101, Secondary Clarifier Center Column Rehabilitation. Project Nos. SS2101 and FA1702 had been identified as high priority items but had continued to be delayed. Also, trash bins were to have been installed as part of the Park Master Plan. He otherwise asked whether the project numbers in the CIP corresponded to the year of the project.

Cordell Hindler, Richmond, echoed the comments raised by Mr. Menis and asked that staff return with more detailed information on the costs for the CIP projects that had been identified.

PUBLIC COMMENTS CLOSED

ACTION: Motion by Mayor Pro Tem Murphy/Council member Tave to extend the City Council meeting to 11:30 p.m.

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

Ms. Kaur reiterated the staff recommendation as outlined in the staff report and direction on the preferred build out for the Senior Center Auxiliary Parking Lot.

Council member Tave requested more information on the staff recommended projects to be deferred with more discussion by the City Council. He supported the full build out of the Senior Center Auxiliary Parking Lot, to be solar ready and with EV charging stations installed. He agreed with the concerns raised with a gravel parking lot alternative.

Council member Toms and Mayor Pro Tem Murphy also supported full build out of the Senior Center Auxiliary Parking Lot to be solar ready and with EV charging stations installed.

ACTION: Motion by Council members Tave/Toms to support the full build out alternative for the Senior Center Auxiliary Parking Lot, to be solar ready and with EV charging stations installed.

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

On the issue of the deferral of the CIP projects that had been identified, Mayor Salimi agreed that staff should return with more information on how the projects had been prioritized.

Mayor Pro Tem Murphy commented the CIP was one of the most important processes for the City, but he found it difficult to discuss with his constituents why decision points were being made. Before the City Council moved forward with any projects, he wanted to see the creation of a metric to showcase the deferred projects and why they were being recommended for deferral. Some of the deferred projects were urgent but that information had not been reflected in the explanation for the deferred projects or in the projects staff had recommended be on the CIP list for this Fiscal Year.

Mayor Salimi also wanted a better understanding and suggested the consideration of a Gantt Chart to identify the last five years of CIP projects, including information when the projects were to start with the year 2017 as the baseline. He wanted to see the start and finish dates anticipated and the current status of the projects on a yearly basis on an updated schedule from 2017 to 2022, and from there the City Council may determine the cause of delay which would allow the City Council to review the budget accordingly. He expressed concern that many projects had been deferred for years.

Council member Toms found the information would be useful, but expressed concern with potential delays to other projects, pulling staff to conduct this exercise. If a contract engineer or someone not on staff/consultant could pull that information together that would be preferred.

City Manager Murray suggested that the effort should start in a more recent year given current staff had not been present in 2017 and may not be able to divine the cause of delays. The start could be from 2020 and determine the cause of any delays. If a shorter time period, that could be something that staff could pull together.

Mr. Mishra stated he could reach out to consultants to work with staff, and the Mayor expressed the willingness to work with staff to prepare a schedule.

Council member Tave agreed with the Mayor and recognized there was new staff, but stated the City Council had to explain to constituents why some projects had not been completed in order to provide a better understanding of how to move forward. He encouraged the Public Works Director to prepare that information and he looked forward to a future presentation.

Council member Martinez-Rubin agreed it was important to understand why a project had been deferred to help inform the public and understand why some problems had not been addressed. She noted that many complaints received from residents had a common thread, did not always appear as a CIP project, but may be related, and information in a written format would be helpful.

Mayor Salimi advised that the direction to staff would be to defer the item with staff to provide the City Council with a baseline schedule starting in 2017 to 2022 on the deferred projects, with the start and finish date on a yearly basis and a reason for the deferral for 2022 and 2021. He expressed the willingness to work with staff on that effort.

Mayor Pro Tem Murphy also asked that the same information be provided for the current CIP projects in the future.

ACTION: Motion by Mayor Salimi/Council member Toms to direct staff to prepare a Gantt Chart summarizing the list of deferred CIP projects as shown in the February 15, 2022 staff report, with a baseline schedule starting in the year 2017 and an updated schedule showing the start and finish dates for years 2018, 2019, 2020, 2021 and 2022, and with staff to provide an explanation why the project had been deferred for the years 2021 and 2022.

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

Mr. Mishra clarified in response to public comments the corresponding CIP Project Nos. referred to the facility and the year the project had been placed into the CIP. He also explained why Project No. SS2101, Secondary Clarifier Center Column Rehabilitation had been deferred since that particular clarifier was not in operation.

12. NEW BUSINESS

- A. Provide Direction on Potential Ballot Measure to Become a Charter City and Enact a Real Property Transfer Tax **[Action: Discuss and Provide Direction per Staff Recommendation (Murray)]**

Council member Tave requested that Items 12A and 12B be continued to the next meeting of the City Council given the depth needed for each item and the lateness of the hour to commence with such discussions.

Mayor Salimi asked staff whether a two-week continuance would impact the schedule proposed for Item 12A.

City Attorney Casher advised a decision needed to be made sooner rather than later related to Item 12A since public hearing dates were critical and there may be difficulty bringing any consultants on board for polling. If the item were continued to the meeting of March 1, 2022, it may impact the ability to bring a consultant on-board, but he recognized the lateness of the hour.

City Manager Murray agreed if the City Council decided to take the next step in the process for Item 12A, a consultant would need to be hired to evaluate the community priorities. Taking that step and research would not commit the City to moving forward with a ballot measure since it was just an information gathering process. Staff could be directed this evening to proceed to identify a consultant to do that work and if the City Council continued the item to the March 1 City Council meeting, the City Council could actually execute a contract with a firm to conduct that work.

Mayor Salimi asked the City Manager to proceed with the staff presentation.

Council member Tave stated that any direction to staff would require a discussion and public comment. He understood the importance of the item and while not opposed to moving forward, again given the lateness of the hour he preferred Items 12A and 12B be continued.

Council member Toms asked that Items 12A and 12B should be continued with the City Council to move onto Item 13. She could not agree to extend the City Council meeting beyond 11:30 p.m.

Mayor Salimi understood a continuance of Item 12A may jeopardize the potential ballot measure.

Council member Martinez-Rubin pointed out as part of the prior agenda item many CIP projects had been deferred since the City Council had not been thoughtful about the suggestions. Tiredness and time constraints did not make for a thoughtful discussion and approach in making decisions. The same issues had occurred with the budget discussions in 2021 with meetings late into the evening.

City Attorney Casher clarified for Item 12A a public hearing would have to be conducted by June 7, 2022 with a second public hearing by July 12, 2022, and with the ballot measure to be sent to the County in August. The Assistant City Attorney was prepared to make a presentation but it could be continued to March 1. He reiterated the potential for a time crunch on the ability to retain consultants. While time sensitive, the item merited a discussion.

Council member Tave sought a full discussion, which was why he wanted the item continued. In terms of polling, he asked whether the City Council could provide direction to staff to move forward with polling whether they moved forward with a transfer tax or not, to which City Attorney Casher advised if the item were continued to March 1, staff could do preliminary research on consultants who could do polling in order to best position the City if the City Council ultimately decided to move forward with the ballot measure. He recommended the item be continued to a date certain of March 1, 2022.

ACTION: Motion by Council members Tave/Toms to continue Items 12A and 12B to a date certain of March 1, 2022, with the caveat that staff would do some research for polling companies to be presented to the City Council on March 1, 2022.

Vote: Passed 5-0

Ayes:	Salimi, Martinez-Rubin, Murphy, Tave, Toms
Noes:	None
Abstain:	None
Absent:	None

ACTION: Motion by Mayor Pro Tem Murphy/Council member Tave to extend the City Council meeting to 11:50 p.m.

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

- B. Receive the Fiscal Year (FY) 2021/22 Mid-Year Financial Report and Adopt a Resolution Approving Budget Adjustments [**Action: Adopt Resolution per Staff Recommendation (Guillory)**]

Item continued to a date certain of March 1, 2022

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.

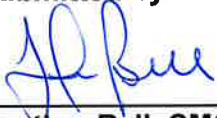
Citizens may speak under any item not listed on the Agenda. *The time limit is 3 minutes and is subject to modification by the Mayor. Individuals may not share or offer time to another speaker. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, 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, spoke to the risks of COVID-19 and referenced the conclusions of a study that had been published on January 7, 2022 titled Long-Term Cardiovascular Outcomes of COVID-19 in Nature, which he raised in terms of personal risk tolerance and whether people were wearing masks or not. He commented on the effectiveness of vaccines which waned over time which was why booster shots had been recommended and he cited case data from Contra Costa County. Although people may have been vaccinated and boosted, mask wearing should still be done. In regards to the discussion for Item 11B, he commented on the challenges for drawing a line between political and non-political purposes in terms of whether organizations could have a table at a community event on the Fourth of July. He suggested the City carefully consider the First Amendment implications.

14. ADJOURNMENT to the Regular City Council Meeting of March 1, 2022 in Remembrance of Amber Swartz.

At 11:33 p.m., Mayor Salimi adjourned the meeting to the Regular City Council Meeting of March 1, 2022 in Remembrance of Amber Swartz.

Submitted by:



**Heather Bell, CMC
City Clerk**

Approved by City Council:

