

SPECIAL CITY COUNCIL MEETING

MINUTES

June 29, 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 Special Meeting of the City Council to order at 5:05 p.m. and led the Pledge of Allegiance.

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

A. COUNCILMEMBERS PRESENT

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

B. STAFF PRESENT

Andrew Murray, City Manager
Heather Iopu, City Clerk
Eric Casher, City Attorney
Alex Mog, Assistant City Attorney
Hector De La Rosa, Assistant City Manager
Misha Kaur, Senior Project Manager
Markisha Guillory, Finance Director
Chris Wynkoop, Fire Chief
Neil Gang, Police Chief

City Clerk Iopu announced the agenda was posted on June 24, 2021 at 4:00 p.m. All legally required notice was provided.

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

3. 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 Government Code § 54957.6 Agency designated representatives: City Attorney Casher Unrepresented Employee: City Manager Murray

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

At 6:20 p.m., Mayor Martinez-Rubin reconvened the meeting to open session and announced there was no reportable action from the Closed Session.

5. 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.

The following speakers submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Debbie Long, David Ruport, Ivette Ricco, Rafael Menis, Roy Swearingen, and Sanjay Patel.**

6. PUBLIC HEARINGS (Items Continued from June 15, 2021 Meeting)

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. Fiscal Year (FY) 2020-21 Annual Review of Utility Users' Tax (UUT) and Adoption of Resolution Modifying Household Income Eligibility Thresholds for Utility Users' Tax Exemptions for FY 2021-22 [**Action: Adopt Resolution per Staff Recommendations (Guillory)**]

Director Guillory provided a PowerPoint presentation of the Fiscal Year (FY) 2020-21 Annual Review of Utility Users' Tax (UUT) and the Household Income Eligibility Thresholds for the UUT Tax Exemptions for FY 2021-22.

Mayor Martinez-Rubin opened the public hearing.

City Clerk Iopu reported no comments had been received for this item.

Mayor Martinez Rubin closed the public hearing.

Director Guillory and City Manager Murray responded to questions and comments from the City Council and clarified there was no sunset date for the 2018 UUT. Changing the base of the UUT required a ballot measure approved by the voters. The UUT Communications Collections Table was highlighted. The long term for the communications component was trending downward offset by a trend in the energy component. A trend analysis had been prepared as part of the Long-Term Financial Plan. The City Council had previously requested a Future Agenda Item for a workshop on taxes at which time the City Council could discuss the demand for grid electrical power over a multi-year period and attempt to forecast what that meant for the source of revenue as an example topic for discussion.

Council member Toms pointed out the community had been always supportive of the UUT and it was conceivable the community may also support modification to the UUT to possibly add cable or cell phone services, which expenses had increased.

ACTION: Motion by Council Member Toms/Mayor Martinez-Rubin to adopt a Resolution Modifying Household Income Eligibility Thresholds for Utility Users' Tax Exemptions for FY 2021-22.

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

B. Review and Approve Master Fee Schedule [Action: Adopt Resolution per Staff Recommendation (Guillory)]

Director Guillory presented the staff report. No changes had been recommended to the Master Fee Schedule at this time. A Comprehensive Fee Study would be conducted in Fiscal Year (FY) 2021-22 as one of the strategies in the Strategic Plan. A Request for Proposal (RFP) would be prepared and released this summer for a consultant to prepare the Comprehensive Fee Study and staff expected there would be a number of changes to the Master Fee Schedule, which would have to be incorporated into the next budget cycle.

Mayor Martinez-Rubin opened the public hearing.

City Clerk Iopu reported no comments had been received for this item.

Mayor Martinez Rubin closed the public hearing.

Assistant City Manager Hector De La Rosa provided an overview of the fee structure for park rentals.

In response to the Mayor Pro Tem, City Manager Murray confirmed the City Council may direct staff to return with a more detailed set of opportunities for park rentals; however, as more businesses reopened modification to the fee structure may be a moot point. Rather than staff investing more time preparing a quick modification to the fee structure, which he found to be an inefficient approach, he suggested staff return once there was a more complete fee study for consideration. He added it was not a common practice to waive fees for businesses and while he was not suggesting the City Council could not adopt such a policy as a short-term measure, the City had a financial policy to recover costs to the extent possible.

Mayor Pro Tem Salimi suggested this discussion should have occurred at the start of the COVID-19 restrictions, not when small businesses were suffering. He wanted small businesses to have the opportunity to use a small area of a city park for \$20 an hour until staff returned with a more appropriate fee structure.

Council member Murphy clarified with Director Guillory and City Manager Murray what a Comprehensive Fee Study would encompass and was advised it would analyze several factors to reach an appropriate fee structure to cover the cost for the City to provide the service. He also clarified with staff the business license fee was actually a tax, started at a flat rate and increased based on the number of employees, and the City had collected about \$375,000 on average each year in business license fees.

Council member Murphy also clarified the City Council may appropriate other City resources to pay the business license fee on behalf of a business and it could have been incorporated into the COVID-19 Small Business Program but that had not been done.

Assistant City Attorney Alex Mog explained that if the City Council wanted to waive a fee or waive a business license fee, as an example, the money would not go the General Fund but instead would be reflected through a refund paid back to the individual who would otherwise have been required to pay the fee.

The City Council discussed the \$60 fine for vending-on-streets and there was a recommendation to eliminate that fee from the Master Fee Schedule or discuss that fee as part of the Comprehensive Fee Study, and Mr. Murray acknowledged that the \$60 vending-on-streets fine could be eliminated but he wanted to include some enforcement tool.

Police Chief Neil Gang commented that during his tenure in Pinole he had never seen a citation issued for non-compliant street vendors. He supported some type of enforcement provision.

It was clarified that businesses using City parks absent the City's permit process would generally assume liability for anything related to the business. It was also clarified that funds from the American Rescue Plan Act (ARPA) may be considered for waivers of business license fees for local businesses. The Council wanted a future discussion on how to best use the ARPA funds, with a breakdown of the fee categories as part of that discussion.

Mayor Pro Tem Salimi offered a motion, seconded by Council member Murphy to provide the ability to any instructor to come to any City park (he later clarified his intent that would apply to a grassy area in the non-soccer field area of Fernandez Park) and be able to rent a fraction of the park at a rate of \$10 an hour.

City Manager Murray clarified that vending was a different permitting process. He understood the Mayor Pro Tem's concerns but suggested those issues could be worked out, particularly since it would be for a short period of time with people returning to indoor spaces. Based on the recommendations from the Comprehensive Fee Study, staff could return with more details. He noted the desire to expand the usable areas of the parks to the lawns and basketball courts.

The City Council requested that the area to be rented on a temporary basis be better defined to ensure the public's ability to use the parks' amenities, and that the potential businesses to use that space be identified by category.

ACTION: Motion by Mayor Pro Tem Salimi/Council member Tave to create a temporary fee for the use of the basketball/tennis courts and a dedicated space to be defined by staff to use the area for instruction at the rate of \$10 an hour, with the duration to be defined to when the COVID-19 restrictions are lifted by the Contra Costa County Health Officer's Order.

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

ACTION: Motion by Council member Toms/Mayor Martinez-Rubin to adopt a resolution approving the Master Fee Schedule, subject to the previous modification.

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

7. NEW BUSINESS (Items Continued from June 15, 2021 Meeting)

- A. Adopt a Resolution Establishing the Fiscal Year (FY) 2021-22 Appropriations Limit
 [Action: Adopt Resolution per Staff Recommendation (Guillory)]

Director Guillory presented the staff report.

City Clerk Iopu reported no comments had been received for this item.

ACTION: Motion by Council member Toms/Mayor Martinez-Rubin to adopt a resolution establishing the Fiscal Year (FY) 2021-22 Appropriations Limit.

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

- B. Approve Financial and Investment Policies for Fiscal Year 2021-22 **[Action: Adopt Resolution per Staff recommendation (Guillory)]**

Director Guillory presented the staff report. No changes were recommended by staff. She reported the Finance Subcommittee had also reviewed the Financial and Investment Policies and no changes had been recommended.

City Clerk Iopu reported no comments had been received for this item.

ACTION: Motion by Mayor Martinez-Rubin/Council member Toms to adopt a resolution approving the Financial and Investment Policies for Fiscal Year 2021-22.

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

- C. Review Revised Final Proposed Fiscal Year (FY) 2021-22 Operating and Capital Budget **[Action: Adopt Resolution per Staff Recommendation (Guillory)]**

Director Guillory provided a PowerPoint presentation of the Revised Final Proposed Fiscal Year (FY) 2021-22 Operating and Capital Budget and thanked those staff members who had contributed to the preparation of the budget. Next steps included the implementation of the adopted budget, development of an ARPA Expenditure Plan, and monitoring of the budget through quarterly reports with the next milestone in January/February 2022.

The following speakers submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Charlotte Blodwynne-Heart, Kristina Ruud Hewitt, Cameron Sasai, David Ruport, Debbie Long, Irma Ruport, Jennifer Marshall, Joan Shattuck, Rafael Menis, Sue D'Alonzo, Allen Dorsey, Ben Doyle, Jason Holloway, Kameelah Salter, Lawrence and Claudine Hughes, Leona Seidell, Mary Ellen Ferreira, Mary Pinto, Meaghen Liebe, Noreen Buller, Orlando Ortiz, Seet Thang, and Yvonne Williams.**

In response to the Mayor, Assistant City Attorney Mog reported the Fair Political Practices Commission (FPPC) had been asked by the City Attorney's Office to opine whether the Mayor had a potential conflict of interest related to a decision to renovate the Faria House or lease the building to the Pinole History Museum. The FPPC had advised the Mayor did not have a conflict of interest on either of those two issues.

At this time, Mayor Martinez-Rubin, with the assistance of Director Guillory, corrected incorrect statements in a recent flyer that had been distributed by Pinole for Fair Government and its representatives related to decisions made by the City Council about the budget during its June 15, 2021 meeting.

Further responding to the public comments received, Director Guillory provided additional clarification regarding her presentation; City Manager Murray provided clarification on maintenance expenditures regarding City parks and facilities; highlighted the recommendations from the Beautification Ad Hoc Committee which had been added to the budget in the amount of \$60,000; and described the projects related to the Hercules-Pinole WW Treatment Plant.

Mayor Pro Tem Salimi clarified with Director Guillory several of the components in her PowerPoint presentation; and City Manager Murray provided an overview of his understanding of the City's financial position in 2008 due to the Great Recession, with the City's financial position considerably different in 2021. He also clarified, when asked, that the City Council had not actually appropriated any funding or provided direction to staff to take any action on a benchmark study which had been discussed during the June 15 City Council meeting. If the City Council wanted to take action on that issue it may appropriate funding for that project this evening.

Mayor Pro Tem Salimi emphasized the importance of economic development and strongly encouraged the City Council to make the position of Economic Development Director Full-Time. He also supported additional staff for the Public Works Department but would support even more staff to the Department as well as more staff to maintain City parks/facilities. In terms of the Police Department, he asked about the two Part-Time Community Safety Officers (CSO).

Police Chief Gang thanked the City Council for supporting an additional two officers who would be funded by the West Contra Costa Unified School District (WCCUSD) and explained that while the two Full-Time CSOs had been requested in the past, it had been determined that two Part-Time CSOs would be a better fit and spreading out the hours could better serve the community.

Mayor Pro Tem Salimi supported two Full-Time CSOs, understood the City needed a total of \$42 million to address road conditions, and asked the Fire Chief to identify any new requests for staffing.

Fire Chief Chris Wynkoop identified the request for two new staffing positions, an Administrative Captain and a Fire Prevention Captain. He detailed the costs for the positions and emphasized the Fire Department had been far behind for years in its administrative positions. Filling those positions would bring the Fire Department into compliance with training, education, report management and writing, along with a plethora of other Fire Department compliance issues.

Fire Chief Wynkoop also provided an update on Measure X, a half-cent County Sales Tax Measure, anticipated to bring in around \$91 million to Contra Costa County intended to enhance a number of emergency medical services with a strong component for enhancing fire services. He also provided an overview of the County Fire Chief's request for \$28 million to address a plethora of countywide fire service issues and another \$9 million to reopen shuttered fire stations within the County, one of which would be Station No. 74 in the City of Pinole. The City Council would be asked at its next meeting to send a letter of endorsement to the Measure X Advisory Board in support of the County Fire Chief's Collective request for enhancement to fire services. He also presented an overview of the Fire Department's efforts with the most robust fire fuel mitigation effort the City had ever performed to mitigate wildfire risks.

Police Chief Gang clarified, when asked, that code enforcement was not under the purview of the Police Department. If code enforcement were to return to the Police Department, he expected the staff would be the same staff in place at City Hall. He added that the Police Department did not have the staff resources to conduct code enforcement 24/7.

Mayor Pro Tem Salimi also emphasized the importance of the revitalization of the downtown. He encouraged the City Council to consider the dedication of a fund balance for the revitalization of the downtown as well as an account for community and local business help, and since the City would be receiving stimulus funds from ARPA, the City needed to help local businesses that were suffering due to the pandemic.

Mayor Pro Tem Salimi read into the record a statement related to his participation in the votes taking action on the Faria House renovations during the June 15 City Council meeting and an opinion from the FPPC whether he would have a conflict of interest. He understood he did have a common-law conflict of interest that may necessitate a motion to change some of his votes offered during the June 15 meeting.

Council member Murphy clarified with the City Manager that the City Council had authorized a number of CIP projects during the June 15 meeting, and he clarified why some projects had not been reflected in the General Fund Budget Summary since they were projects to be considered in future years, and City Manager Murray recommended if the City Council approved the budget, it do so as amended, moving the full funded projects (all of those projects approved as directed by the City Council) into this year's budget, whether or not they were actually fully expended and undertaken this year.

Director Guillory identified the items not included in the General Fund Budget Summary including: the Emergency Power for Critical Failures (\$200,000 in FY 2022-23); Municipal Broadband (\$60,000 in FY 2023-24); and Recycled Water Master Planning (\$200,000 in FY 2022-23); Faria

House Renovations (\$500,000; \$900,000 in FY 2022-23); Brandt Court Improvements (\$170,000); and Installation of High Capacity Trash Bins (\$425,000) (Solid Waste Fund). (These items were not considered since the City Council had already taken action on June 15, 2021).

Council member Murphy asked staff how equity and racial justice had been embedded into the budget, and City Manager Murray spoke to his intent to lead a diversity, equity, and inclusion initiative within the City organization beginning later this calendar year.

Council member Murphy asked staff how much would be spent on solar projects this year, to which Senior Project Manager Misha Kaur identified the CIP projects that would explore solar and energy upgrades and the status of each project. Project costs were estimates and did not include the cost of solar, with staff to reach out to vendors to determine the payback period to identify the exact costs for solar for each project; and City Manager Murray added that staff would be assessing where solar energy conservation would be feasible.

Council member Murphy asked the City Manager to come back to the City Council with the solar appropriation, when available, so that it could be discussed further. He also clarified with staff the total increase in the budget related to fire services for Fiscal Years 2019 through 2021 with a 10 percent increase identified; clarified Fund 150; the number of Public Works Department staff and the fact that staff did not normally work on weekends although on-call emergency services were available; and that any recommendation to identify one Public Works Department staff person to work on weekends would require a discussion with the Public Works Director.

Council member Murphy also referenced Pinole Community TV (PCTV) and his understanding the City was disinvesting in PCTV.

Assistant City Manager De La Rosa clarified the current number of staff for PCTV, with no recommendation to decrease the staff positions at this time. The budget document could be modified to reflect the current number of staff for PCTV. As to whether the current staff level for PCTV should be increased, he preferred the City Council defer that discussion pending the completion of the Comprehensive Fee Schedule.

City Manager Murray provided additional details of the services and costs for providing PCTV and the information in the budget related to PCTV.

While Council member Murphy recommended doubling the budget for PCTV during this budget cycle, City Manager Murray could not provide a recommendation at this time pending the submittal of the Communication and Engagement Plan, which should be available at the end of the year.

Council member Murphy also clarified with Ms. Kaur that \$20,000 had been budgeted for electric vehicle (EV) charging stations, with three Level Two EV charging ports at the Public Safety Building and an estimated five EV charging stations at the Senior Center, with the installation of EV charging ports in public lots on the Unfunded List. The Public Safety EV charging ports would use WCCTAC and MCE grants as well as the budgeted matching funds; a budget amendment would be required to install the EV charging stations at the Senior Center since they were preliminary pending assessment of the electrical capability of the facility. He also clarified with staff that a member of the Council may request a Future Agenda Item for any item which could include budget amendments. He further clarified the number of City interns and his

recommendation that interns be considered for Cable TV, City Manager and Public Works Departments, which had not been included in the budget.

City Manager Murray highlighted the City's interns and acknowledged that while the City did not have a Citywide Internship Program, if this was a priority of the City Council, staff could return with a recommendation as to how to organize an Internship Program for workforce development.

Council member Murphy clarified with Assistant City Manager De La Rosa the budget for the Youth and Swim Center and that no City staff had been dedicated for pool services, with a contract administered with the Pinole Seals Swim Team, and Director Guillory highlighted Recreation Fund 209.

Council member Murphy reported he had submitted an e-mail to staff regarding the Balancing Act, a technology tool that cities had used that would allow residents to balance the budget before the City did. He asked staff whether that tool could be used to include participatory budgeting.

Director Guillory advised she had not had the opportunity as yet to review the tool, acknowledged there were other similar tools available, and she was open to innovative ways to engage the public in the budget process; and City Manager Murray confirmed there was interest in increased engagement with the public in this manner and staff would be speaking with the Finance Subcommittee in July on the parameters of that process.

Council member Tave was provided numerous clarifications on the PowerPoint presentation from Director Guillory and City Manager Murray related to Measure S 2006 and Measure S 2014, the funds the City Council had approved for the Faria House Renovations on June 15, the total in unallocated funds, details of the California Public Employees' Retirement System (CalPERS) investments, proceeds from the sale of redevelopment properties which would go into the General Fund Unassigned Balance, and the fact that no funds had been identified in the budget to modernize the Senior Center.

Assistant City Manager De La Rosa reported staff was working to obtain a cost estimate to modernize the Senior Center.

In response to Council member Tave, Fire Chief Wynkoop provided an overview of the fire access roads to reach open space that would allow access to Type 3 vehicles.

Council member Tave wanted to see more money invested in the City's parks, supported the CSOs proposed in the budget, supported a recommendation for more interns and agreed there should be paid interns.

A motion was made by Council members Toms/Murphy to extend the City Council meeting to 12:00 a.m. but there was concern the City Council may not complete its discussion of Item 7C.

City Manager Murray emphasized the City must have an adopted budget since it would allow staff the authority to make expenditures on July 1, 2021. He understood the vast majority of the budget was non-controversial and a motion could be made to approve the budget subject to any amendments, with the CIP projects that had accidentally been placed in future years to be included. A Future Agenda Item request could be considered for other CIP items and any other amendments the City Council may desire to make.

ACTION: Motion by Council members Toms/Murphy to Extend the City Council meeting to 12:00 A.M.

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

Council member Toms clarified with Ms. Kaur the Park Master Plan had been scheduled for FY 2021-22 and was expected to be completed by the end of the Fiscal Year. She also acknowledged a prior request for improvements to the soccer field and the addition of swings, and suggested they wait to add those items to a future budget adjustment when the Park Master Plan was provided. The Communication and Engagement Plan was expected by the end of this calendar year and additional budget items to implement that plan could be revisited when mid-year budget adjustments were discussed. As to Public Works Department staff, given the CIP projects the City Council had added during the June 15 meeting, she wanted to ensure the Department had adequate staff to implement those projects or consider a line item for on-call engineering support. She added that CivicSpark Fellows had been used in the past and required a mentor. It would be difficult for permanent Public Works staff to mentor another person given the existing work load. She wanted to address the issue of internship this evening.

Council member Toms also spoke to the discussion of additional fuel management around the Wildland Urban Interface (WUI) and Ellerhorst Elementary School with some grant funding that had been requested. She also wanted to see funding to address the 60-year old Monterey pines that fronted the school, and Fire Chief Wynkoop advised he could speak to Council member Toms off-line regarding that issue to see if it could be worked into the plan.

As to adding funds into the Pension Trust, Council member Toms pointed out that if the City was in a healthy financial position, it may skip a year drawing down from the Pension Trust and keep those funds in the Pension Trust to continue to earn interest. Regarding the Faria House, the City Council vote on the item had not been for a History Museum. She asked staff for a report about potential uses and the code requirements necessary for needed improvements.

City Manager Murray confirmed that such an approach had been discussed internally and an alternate bid was a common practice but whether staff could do the base bid and alternatives would have to be discussed with the architect the City hired since the specifications were not within their scope and expertise and an additional professional resource may be required. The specifications would be brought to the City Council for review and approval prior to the issuance of bids and the City Council would award a contract and approve any funds for actual renovation work.

Council member Toms also commented that Galbreth Road residents were surrounded by the High Fire Severity Zone designation with one way in and out. There had been a prior discussion about an easement on Rancho Road which was covered by a fence, and she understood that Senate Bill (SB) 99 required the area to be mapped and sent to CalFire and that other alternatives must be considered. Residents on Rancho Road also had only one way in and out and she asked whether the City should consider setting aside funds to reclaim that easement.

Fire Chief Wynkoop suggested that was a great idea and reported the County had adopted a new evacuation platform, Zonehaven, a source for evacuation information and resources. He supported what could be done to reclaim that land and provide the egress for residents.

Council member Toms also suggested some right-of-way (ROW) assistance may be required and with pavement on the County side there could be a joint project. For this fiscal year she wanted to assign some funds to sort out the ROW issues and cost estimates.

Mayor Martinez-Rubin commented that no cost estimate had been provided on the CSO positions or additional staff for Public Works and absent a full cost estimate for those positions it would be difficult to consider the total and where the funding would come from this fiscal year or subsequent years, which may impact the Five-Year Forecast. She suggested they come back mid-year to see how the budget was doing and then evaluate the staffing positions needed at that time.

Mayor Martinez-Rubin clarified with Director Guillory the City was drawing down on the Pension Trust based on actual costs less than the interest earned in the fund, and the City may hold off on drawing down anything and could build on the principal and get more interest than expected.

Mayor Martinez-Rubin provided clarity in response to the public comments and stated the City Council's vote on June 15 regarding the Faria House was specifically about renovations for the purpose of bringing the structure up to code. The Faria House was an asset to the City, and she emphasized the importance of historic preservation particularly at one of the gateways to Old Town Pinole. She also acknowledged the work of prior City Councils to build the City's reserves where there was an opportunity to do something about that asset.

Assistant City Attorney Mog explained that the City had made no binding commitments in the past as to how the Faria House property would be used but there had been past actions stating the City Council's intent as to how the structure may be used, although that was not binding on the current City Council. He acknowledged a proposal had been made in November 2020 to consider an agreement with the Pinole History Museum for the property. Had that agreement been approved and executed, it would have created a binding commitment by the City.

On the discussion and to clarify any misleading information, Mayor Martinez-Rubin stated the November 17, 2020 City Council agenda packet included the history of the Faria House.

ACTION: Motion by Mayor Pro Tem Salimi/Council member Toms to add a Benchmark Study for the Salaries of Managers with an Appropriation Amount up to \$20,000 (Funding Source: Unfunded Fund Balance).

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

Mayor Pro Tem Salimi offered a motion, seconded by Council member Toms to Add Two Full-Time Community Safety Officers (CSOs) to the Police Department Budget up to \$80,000 (Funding Source: Measure S 2014).

City Manager Murray was uncertain \$80,000 would cover the two CSO positions and suggested the actual costs would be closer to \$100,000.

Mayor Pro Tem Salimi modified his motion to appropriate up to \$100,000 for two Full-Time CSOs.

Council member Murphy understood the WCCUSD had decided it did not need two School Resource Officers (SROs), and City Manager Murray clarified the City had opted to use City resources to retain the Police Officer positions that had previously been funded by the WCCUSD for the SRO assignments, but those two positions would not undertake an SRO assignment specifically. There were two Community Specialists who were currently part-time and the motion would make those positions full-time.

Police Chief Gang provided further clarification and explained that there had been two CSOs but due to the COVID-19 pandemic they were not allowed or permitted to come to the Police Station. The individuals who had filled those two positions had resigned and taken employment elsewhere. The positions were currently vacant and funded for two Part-Time CSOs. The allocation proposed by the Mayor Pro Tem would allow those positions to come on as Full-Time employees allowing Police Officers to conduct proactive policing.

ACTION: Motion by Mayor Pro Tem Salimi/Council member Toms to add Two Full-Time Community Safety Officers to the Police Department Budget up of to \$100,000 (Funding Source: Measure S 2014).

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

Mayor Pro Tem Salimi offered a motion to add two additional staff in the Public Works Department for the implementation of the CIP up to \$150,000 per year (Funding Source: Measure S 2014).

ACTION: Motion by Council member Toms/Mayor Pro Tem Salimi to provide an additional \$150,000 in this Fiscal Year 2021-22 for On-Call Engineering Services to assist with implementation of the CIP (Funding Source: Measure S 2014).

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

Mayor Pro Tem Salimi offered a motion to create a fund related to Pinole revitalization and fund up to \$10,000 as a placeholder (Funding Source: Unfunded General Balance Account).

On the discussion, the City Council noted the amount was a placeholder and would allow further discussion when the City received its ARPA funds, or there could be a pilot program for the simple communication of events in downtown Pinole and could provide assistance for small business

owners, although the Council did not unanimously support the amount and preferred a lesser amount or that the item be deferred pending the discussions related to the use of ARPA funds.

Mayor Pro Tem Salimi restated his motion, seconded by Council member Murphy to create a fund in the amount of \$10,000 for “Revitalization” and \$10,000 for “Business Development and Community Help” (Funding Source: Measure S 2014 or Unfunded General Balance Account).

Council member Murphy requested that the City Council consider a workshop on the use of such funds given the guidelines were not consistent with the City Council direction related to the Small Business Assistance Program, with the desire to solicit public input. He commented that he had submitted multiple e-mails to the City Council when the guidelines were being developed and had requested feedback, and noted that staff had received feedback from the Pinole Chamber of Commerce, although Mayor Martinez-Rubin pointed out the Small Business Assistance Program was a pilot program. She supported the motion with the knowledge the amount was the beginning and there would be more discussion. Council member Toms supported the motion but wanted it to be better defined before any funds were spent.

ACTION: Motion by Mayor Pro Tem Salimi/Council member Murphy to create a fund in the amount of \$10,000 for “Revitalization” and \$10,000 for “Business Development and Community Help” (Funding Source: Measure S 2014 or Unfunded General Balance Account).

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

Mayor Pro Tem Salimi offered a motion, seconded by Council member Tave for a Full Time Economic Development Position with a dedicated \$80,000 (Funding Source: Measure S 2014).

City Manager Murray recommended the City Council defer action on additional investments pending the results of a future study with a mid-year budget opportunity for additional discussion. Pending the results of the study, he suggested that \$80,000 would not be adequate for a Full-Time staff person since the position would likely be in the range of \$150,000 with benefits.

Mayor Pro Tem Salimi emphasized the importance of filling the position.

Council member Toms commented that assistance with economic development required a more robust discussion and could be done as part of the discussion of the ARPA funds. Given the lateness of the hour, she did not want to make a decision that affected the City’s Long-Term Financial Plan just prior to the end of the fiscal year. She preferred the discussion be deferred until the City Council was able to discuss ARPA funds, and/or during the mid-year budget review, or when a consultant was possibly on board to assist with marketing.

Mayor Martinez-Rubin acknowledged the need for an Economic Development Director but agreed that more discussion was needed.

ACTION: Motion by Mayor Pro Tem Salimi/Council member Tave for a Full Time Economic Development Position and dedicate \$80,000 (Funding Source: Measure S 2014).

Vote: Passed 3-2
Ayes: Salimi, Tave, Murphy
Noes: Toms, Martinez-Rubin
Abstain: None
Absent: None

ACTION: Motion by Mayor Martinez-Rubin/Council member Murphy to Extend the City Council meeting to 12:30 A.M.

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

Mayor Pro Tem Salimi offered a motion to remove the Faria House Renovations from the CIP given he had a potential common-law conflict of interest.

Assistant City Attorney Mog provided the definition of common-law conflict of interest, with a public official having a duty to make decisions based on what they believed was in the best interest of the public and not what was in their own personal interest.

Mayor Martinez-Rubin clarified the initial motion was only on the renovations for the Faria House, with no mention of the Pinole History Museum. She asked Mayor Pro Tem Salimi to provide additional clarification on his potential conflict of interest.

Mayor Pro Tem Salimi reiterated he had been advised by the FPPC that he could vote on the use of the Faria House as a museum, but he could not participate on any open-ended discussion on the particular use of the building besides being a museum, and because of that his vote on the Faria House Renovations on June 15 implied the use of the building as a museum. He therefore would have a common-law conflict of interest. When asked by the Mayor who had suggested he had a common-law conflict of interest, he could not disclose at this time.

Mayor Martinez-Rubin reiterated there had been no specific discussion nor had the initial motion mentioned a specific use for the Faria House.

Assistant City Attorney Mog understood Mayor Pro Tem Salimi's motion had been to remove the proposed funding of the Faria House Renovations from the CIP. While it may create some inconsistency between the budget and the CIP, which happened from time to time, the Capital Budget was on the agenda for discussion.

Council member Tave seconded the motion and clarified the \$1.4 million that had been appropriated for the Faria House Renovations on June 15 had been the upper end of the estimate and included specific improvements. While the City Council had not discussed the use of the building, consideration of a museum had been discussed in the community for years, although there had not been a formal community workshop to provide public participation on potential uses.

Council member Tave sought direction prior to the City spending the funds that had been earmarked and explained he had seconded the motion for discussion purposes.

Council member Murphy understood the need to bring a public building up to code and he hoped to create a resilience hub out of every public building but the City Council had not discussed potential uses or the future of the building. He found it misleading to suggest the building would not be used as a museum when community members understood the Faria House would, in fact, be used as a museum and the City Council had appropriated funds for the building. He urged that the conversation be centered on the use of the building and without that conversation or a workshop, he could not support the Faria House Renovations.

On the discussion, members of the City Council discussed the need to dedicate funds for an architect to identify a base bid to bring the building up to code and to explore next steps; recognized the community's vision for the building had been conflicted; and acknowledged that one Councilmember may have a potential conflict of interest,

City Manager Murray clarified that the Capital Budget was on the agenda, had been acted on previously in a preliminary fashion as part of the CIP, and there was a standing approval of the Capital Budget which included the items the City Council had approved on June 15. He explained that if the City Council did not want to see funding move forward in the Capital Budget, the City Council should undo that as part of the adoption of the Operating and Capital Budget. He sought a motion at some point in the discussion to move the remainder of the proposed budget as presented with the clarification/correction for 0.75 Cable Equipment Operator positions, and approve the budget subject to any further modifications.

Mayor Martinez-Rubin offered an amendment to Mayor Pro Tem Salimi's motion to remove the funding for the Faria House Renovations from the CIP, to NOT REMOVE the entire funding for the Faria House Renovations, leave it as placed earlier, with \$500,000 starting off for work related to the renovations.

Mayor Pro Tem Salimi opposed the modification to his motion and reiterated the reason he had made the motion was because he should not have participated given the potential common-law conflict of interest. He did not oppose the Mayor's recommendation but asked that the vote on the motion be called and a separate motion could then be considered.

ACTION: Motion by Mayor Pro Tem Salimi/Council member Tave to remove the Faria House Renovation from the CIP.

Vote:	Passed	3-2
	Ayes:	Salimi, Tave, Murphy
	Noes:	Toms, Martinez-Rubin
	Abstain:	None
	Absent:	None

ACTION: Motion by Council members Toms/Murphy to Extend the City Council meeting to 1:00 A.M.

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

ACTION: Motion by Council member Toms/Mayor Martinez-Rubin to adopt a resolution approving the Revised Final Proposed Fiscal Year 2021-22 Operating and Capital Budget, as presented, including the three items that had been left off of the budget (as identified by staff in the PowerPoint presentation) and correct the number of Full-Time Equivalents for Cable Equipment Operators.

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

Council member Toms offered a motion to add funding for planning for the Faria House Renovations consisting of architectural consultation to provide information on the scope of work for various levels of improvements. A specific funding amount could be deferred to allow staff the opportunity to define a good cost estimate, to be brought back to the City Council on July 6, 2021.

City Manager Murray suggested that additions to the scope such as the market rate rent for the building for different uses could also be considered beyond the architecture, with staff to return with more information.

Council member Toms deferred her motion, with staff to come back with more accurate information.

Council member Murphy offered a motion to appropriate \$250,000 for a Resiliency Fund. (Funding Source: Unassigned General Fund Balance).

Council member Toms asked whether Council member Murphy would be amenable to deferring the request until the City Council meeting of July 6 since a substantial amount of federal funds had gone to the County for that purpose and she could verify whether that applied to incorporated cities.

Council member Murphy restated his motion, seconded by Council member Tave.

Mayor Martinez-Rubin clarified with Council member Murphy the details of Marin Clean Energy's (MCE) Resiliency Fund available to all MCE customers and his intent for a local fund serving residents of Pinole.

Council member Toms asked whether this would require an increase in staff capacity and may duplicate existing services. She suggested an evaluation of the situation and again asked that the request be deferred to the next meeting.

Council member Murphy called for a vote on the motion.

Mayor Martinez-Rubin agreed that the item could be considered as a Future Agenda Item allowing staff time to provide additional information.

ACTION: Motion by Council members Murphy/Tave to appropriate \$250,000 for a Resiliency Fund. (Funding Source: Unassigned General Fund Balance).

Vote:	Passed	3-2
	Ayes:	Salimi, Tave, Murphy
	Noes:	Toms, Martinez-Rubin
	Abstain:	None
	Absent:	None

City Manager Murray confirmed by motion that the City Council had adopted the budget.

Council member Murphy requested that the City Council consider an increase in the budget for PCTV, make better progress and more engagement with the money used, and include a future presentation from PCTV staff; and Mayor Pro Tem Salimi agreed the program had been underfunded for years.

City Manager Murray envisioned a continued open-ended discussion on the topic. A staff report for the July 6 City Council meeting could be published in the next week but staff would be unable to provide a complete history of PCTV before the packet was distributed to the City Council. He acknowledged the requests that staff return with more information on the next steps regarding the Faria House and PCTV funding and services, and recommended those items be discussed at the second City Council meeting in July.

Council member Murphy asked that the City Council also consider a future discussion on the potential number of business licenses that may be set aside but Council member Toms pointed out that could be discussed as part of the ARPA funds, which the City Manager confirmed.

City Manager Murray also commented that open-ended discussions may be considered at the next meeting if there was not a lot of advanced staff work needed or if there was some other approach the City Council desired.

Mayor Martinez-Rubin recognized the limited time for staff to prepare information for the next meeting. She recommended the Faria House and PCTV issues be prioritized for the second meeting in July and recognized that Council members may want to meet one-on-one with the City Manager on any other issue(s) to refine their requests prior to designation as an agenda item.

Council member Toms sought more time to consider each Council members' list of items given that many projects may be funded through the ARPA. She clarified the City Council would have a recess in August and the next Finance Subcommittee meeting had yet to be scheduled.

Mr. Murray reported that staff planned to present the parameters of ARPA to the Finance Subcommittee possibly in July with a presentation to the City Council at its second meeting in August.

ACTION: Motion by Council member Murphy/Mayor Martinez-Rubin to Extend the City Council meeting to 1:15 A.M.

Vote: **Failed** **2-3**
 Ayes: **Salimi, Murphy**
 Noes: **Toms, Tave, Martinez-Rubin**
 Abstain: **None**
 Absent: **None**

8. REPORTS & COMMUNICATIONS

A. Mayor Report
 1. Announcements

Mayor Martinez-Rubin encouraged everyone to wear their masks and get vaccinated. She wished everyone a happy and safe Fourth of July.

B. City Council Committee Reports & Communications

Council member Murphy reported the MCE Board of Directors would meet on Friday, July 2 at 12:15 p.m.

Council member Toms reported she had attended the Annual General Assembly meeting of the Association of Bay Area Governments (ABAG) and briefed the Council on the discussions.

9. **ADJOURNMENT to a Regular City Council Meeting of July 6, 2021 in Remembrance of Amber Swartz.**

At 1:02 a.m. Mayor Martinez-Rubin adjourned the meeting to the Regular City Council Meeting of July 6, 2021 in Remembrance of Amber Swartz.

Submitted by:



Heather Iopu, CMC
City Clerk

Approved by City Council: September 7, 2021

