

**CITY COUNCIL MEETING**  
**MINUTES**  
**November 2, 2021**

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

The City Council Meeting was held via Zoom videoconference and broadcast from the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Martínez-Rubin called the Regular Meeting of the City Council to order at 5:02 p.m. and led the Pledge of Allegiance.

**2. LAND ACKNOWLEDGEMENT**

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

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

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

**A. COUNCILMEMBERS PRESENT**

Norma Martínez-Rubin, Mayor  
Vincent Salimi, Mayor Pro Tem  
Devin Murphy, Council Member \*  
Anthony Tave, Council Member  
Maureen Toms, Council Member  
\*Arrived at 6:25 p.m.

**B. STAFF PRESENT**

Andrew Murray, City Manager  
Heather Bell, City Clerk  
Eric Casher, City Attorney  
Hector De La Rosa, Assistant City Manager  
Lilly Whalen, Community Development Director  
Markisha Guillory, Finance Director  
Chris Wynkoop, Fire Chief  
Misha Kaur, Senior Project Manager  
Maria Picazo, Recreation Manager  
Joseph Bingaman, Public Works Manager  
Roxane Stone, Management Analyst

City Clerk Heather Bell announced the agenda had been posted on Thursday, October 28, 2021 at 4:00 p.m. All legally required notice was provided.

Written comments had been received and posted to the agenda page of the City's website and distributed to the City Council and relevant staff in advance of the meeting.

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

#### **4. CONVENE TO A CLOSED SESSION**

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

None

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

There was no Closed Session.

#### **6. CITIZENS TO BE HEARD (Public Comments)**

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

Cordell Hindler, Richmond, requested a future agenda item for a presentation from Ken Kirkey with All Home regarding homelessness. He otherwise looked forward to in-person meetings in the Pinole Council Chambers.

Rafael Menis, Pinole, reported the month of November was Native American Heritage Month and it was important for the City to recognize the significance. He also reported Marin Clean Energy (MCE) would be holding a community training program, Rising Sun, to assist unskilled persons in the community with more information at [risingsunopp.org/program/opportunity-build](https://risingsunopp.org/program/opportunity-build) and on the MCE website. He further reported the City of Pinole was over 90 percent for initial vaccinations but not yet 90 percent fully vaccinated for COVID-19. He emphasized the importance of being fully vaccinated with booster shots. He also appreciated the written comments that had been provided for this meeting but one of the commenters had not been identified and he asked whether that person did not want their name attached to the comments.

Jeff Rubin, Pinole, reported the Pinole Historical Society would present the Veteran's Day Memorial and Flag Retirement Ceremony on Thursday, November 11, 2021 from 11:00 a.m. to Noon at Fernandez Park, with activities to be provided and involved community organizations identified. He invited everyone to participate and commemorate Veteran's Day with more information available by contacting him at (510) 724-9507 or via e-mail at [pinolehistoricalsociety.org](https://pinolehistoricalsociety.org).

David Ruport, Jr. Pinole, also spoke to the Veteran's Day Memorial and Flag Retirement Ceremony, a time to thank families and military veterans and those serving the country. He spoke to his and his wife's military service, efforts to pay respect during local ceremonies, and urged everyone to pay their respect in the best way they could. He referred to the passing of Colin Powell, a 30-year Army Veteran, former National Security Advisor, Chairman of the Joints Chiefs

of Staff and Secretary of State, commended his military and public service, and referenced his numerous quotes, with more information available on-line.

Debbie Long, Pinole, commented the City Council had previously adopted a resolution confirming the Continued Existence of Local Emergency pursuant to authorization from Governor Newsom's executive orders, which allowed the City Council to continue to meet via Zoom but which had not prohibited in-person meetings. As of November 1, 2021, Contra Costa County had eased its mask mandates and in some cases in-person meetings had been re-opened. On October 27, 2021, Contra Costa County Supervisor John Gioia had held a Redistricting Workshop in the San Pablo City Hall with a Zoom link and in-person attendance had been available with a mask requirement. She suggested the City of Pinole should also open up the Council Chambers for in-person meetings. She recommended the City Council consider placing the declaration of the Continuation Existence of a Local Emergency under Old Business on the next meeting agenda to allow a discussion to take place.

Ms. Long also referenced the upcoming November 6, 2021 City Council Workshop to discuss American Rescue Plan Act (ARPA) funds. She understood the turnout for the October 9, 2021 ARPA workshop was not what the City Council had anticipated and suggested it was partly due to the Zoom format. She urged the City Council to allow the public the opportunity to provide comments in-person. She also disagreed with the Zoom format which allowed the City Council to tune people out, or off and that the Council might be doing the same. She urged the City Council to return to in-person meetings which was long overdue.

Ms. Long further commented that Council member Murphy did not stand for the flag during the Pledge of Allegiance, would not tell the community why he had refused to do so, and suggested he should at least hear why citizens were so passionate about the country's flag and reflect upon whether his personal views were of more value than the citizens he had been asked to represent.

Irma Ruport, Pinole, asked that the meeting be adjourned in honor of all United States Veterans and in memory of Colin Powell. As to the comments from the previous speaker, she noted a reason had already been given. She urged everyone to move forward on a positive note and learn from those who had gone before.

Christy Lamb Julian, Pinole, asked the status of United Against Hate Week (UAHW), and was informed by Mayor Martinez-Rubin that a proclamation for UAHW had been agendized for this meeting and the City Council had discussed the details of UAHW at a prior City Council meeting.

## **7. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS**

### **A. Proclamations**

#### **1. United Against Hate Week**

The City Council read into the record a proclamation for United Against Hate Week (UAHW)

### **PUBLIC COMMENTS OPENED**

Roxanne Stone, Management Analyst reported there were no public comments for this item.

## PUBLIC COMMENTS CLOSED

### B. Presentations / Recognitions

None

### 8. CONSENT CALENDAR

*All matters under the Consent Calendar are considered to be routine and noncontroversial. These items will be enacted by one motion and without discussion. If, however, any interested party or Council member(s) wishes to comment on an item, they may do so before action is taken on the Consent Calendar. Following comments, if a Council member wishes to discuss an item, it will be removed from the Consent Calendar and taken up in order after adoption of the Consent Calendar.*

## PUBLIC COMMENTS OPENED

Irma Ruport, Pinole, referenced Item 8J elated to the suspension of building permit fee collection and the volume of comments on the NextDoor website regarding building permits. She asked how many building permits had yet to be processed, their status, and what the City Manager was doing to address this issue.

Rafael Menis, referred to Item 8D, the Quarterly Investment Report and asked for clarification on the trust investments as shown. He also asked for a clarification for Item 8E, Quarterly Financial Report of the figures shown for the Successor Agency loan repayment and how there would be a repayment to the City prior to the dissolution of the Successor Agency, which had not dissolved. For the same item, he asked for clarification of the street improvement funds and expenditures shown which were higher than the expenditures in the first quarter. With respect to Item 8G, the First Quarter Report on the implementation of Capital Improvement Plan (CIP) projects, he sought clarification of the figures shown with a negative value in Fiscal Year 2020/21 funds for city street improvements and a clarification of the information shown for the Sanitary Sewer Collection System Master Plan. For Item 8K related to a Settlement Agreement between the City and Police Department employees, he appreciated the City's effort to be fair-handed in this matter.

Christy Lamb Julian, Pinole, referenced the suspension of building permit fees and explained that a geotechnical engineer had come to her property and provided a report to the City Planner which required review prior to issuance of a building permit. She understood that building permits were waiting to be processed. She was currently in limbo and asked what was going to be done to resolve the situation.

Cordell Hindler, Richmond, spoke to Item 8F, the Quarterly Report on Implementation of the Strategic Plan and understood that Management Partners had been working on the Strategic Plan but he had an idea for a class and comp study, which idea he had raised during prior City Council meetings. He inquired of the status of that issue.

Roy Swearingen, Pinole, explained that he had tried to call in during the Citizens to be Heard portion of the meeting agenda, understood the City Council was discussing the Consent Calendar, but was pleased to see support for the upcoming Veteran's Day Ceremony and thanked the Ruports and Mr. Rubin for bringing the event to the attention of the public. He emphasized the importance of honoring the flag in this fashion and he hoped the community would participate.

Responding to the public comment, City Manager Murray explained that information had been shared on the City's Facebook page, by-weekly administrative report and the City website regarding building permit processing. There had been inaccurate information posted on the NextDoor website and he explained that there had never been a backlog of hundreds of building permits, although the City had received an exceptionally high number of building permits and residential renovation applications soon after the onset of the COVID-19 pandemic. New online tools had been implemented for building permits for application processing and the City had remained open for permit processing during the pandemic; however, the exceptionally high number of applications had increased the average permit processing timeline and the City had experienced the departure of two key staff members during this timeframe, which had created a backlog in the permit processing

The City had hired new staff and had brought in additional temporary assistance to address the backlog and the City's building plan reviewer had been asked to streamline the review as much as possible. The increase in residential renovations and building permit applications had been a regional phenomenon, and there were no outside resources the City may engage to supplement its permanent and temporary staff.

City Manager Murray explained that the backlog had been reduced to approximately 80 applications but noted that certain types of building permit applications, such as solar panels, were required by state law to be given priority. He expected the backlog to be eliminated entirely with normal processing timelines by the end of the calendar year. He emphasized that staff was doing its best and asked for patience and anyone interested in learning the status of their applications to contact staff.

Finance Director Markisha Guillory also provided responses to the comments from the public, and clarified the investments related to the Quarterly Investment Report involved issuer banks located in Canada. She clarified the investment policy limited foreign issues with the City within the guidelines at one percent. For the Quarterly Financial Report, there had been a loan agreement between the Successor Agency and Housing Department, with the repayment for the Supplemental Educational Revenue Augmentation Fund that had been built into the recognized obligation payment schedule. In response to the questions related to street improvements for that same item, she clarified this was the First Quarter Report for FY 2020-21 with the spending and encumbrances based on actual projects. Projects not completed in the last fiscal year would roll over to the next fiscal year.

City Manager Murray also clarified that one of the strategies included in the Strategic Plan was the development of an Employee Engagement Attraction Plan, which involved a classification and compensation analysis that was under way for all classifications at the City to be completed this fiscal year.

Senior Project Manager Misha Kaur further clarified the negative figures as shown for Fund 325 as part of the First Quarter Report on Implementation of CIP Projects that for the San Pablo Avenue Bridge Project, receipt of certain grants and reimbursements typically took place after a contract had been awarded, with other city funds programmed in the front end to finance the project until the City had received a credit back. The San Pablo Avenue Bridge Project would be funded through the California Local Highway Bridge Program (HBP) and when the City submitted for and received reimbursement the funds would be credited to Fund 325. Also, as to the development of the Sanitary Sewer Collection Master Plan, the contract had been awarded in

September 2020 and it took a while to execute contract documents for numerous reasons, with the first project as part of that Master Plan to include upgrades to Pinon Avenue, and with a focus on that project with the Master Plan anticipated to be completed through the end of this year.

Council member Toms asked that Item 8J be removed from the Consent Calendar for further discussion.

Ms. Stone reported there was additional public comment at this time.

Christy Lamb Julian, Pinole, asked if the Settlement Agreement between the City and Police Department Employees had been noticed in the public record for review. She also asked for additional copies of the UAHW posters that could be distributed throughout the community.

Debbie Long, Pinole, asked about the purpose of the payments listed in the warrants for Kennedy and Associates, Inc. and asked how the City would collect all backlogged building permit fees.

Council member Tave referenced the Quarterly Investment Report for the First Quarter ending September 30, 2021, and sought clarification of the increase in the Local Agency Investment Fund (LAIF).

City Manager Murray clarified the warrant expenditures related to Kennedy and Associates, Inc. were for a consulting firm that had helped the City with its storm water program including the storm water provisions of new development projects, with a new project located on Appian Way across from Pinole Middle School. The payment was for the review of the Storm Water Control Plan for that development.

Assistant City Manager Hector De La Rosa clarified that posters for UAHW were available at City Hall, Pinole Library, Senior Center and the Tiny Tots building and posters had been placed in the downtown area. The Settlement Agreement between the City and Police Department employees was public knowledge, with the exception of the working documents utilized for the Settlement Agreement itself, which had not been included in the staff report. He deferred to the City Attorney whether those documents were available to the public. The Settlement Agreement had negotiated value to conclude the Settlement Agreement, which was not tied to a specific dollar amount or specific individual.

In response to questions regarding the Quarterly Investment Report, Finance Director Guillory clarified the report was for the First Quarter Investment Summary with \$5.4 million as shown in the report, with all of the pool cash representing what had been spent in the first quarter, with the majority for the Successor Agency debt payment. The pool included all funds not just the General Fund. The increase in the LAIF involved around \$3.5 million in idle funds that would have otherwise sat in the regular Money Market bank account drawing minimal interest. The LAIF was liquid and could be drawn at any time.

City Manager Murray clarified the City used a standard tracking system to track payment of building permits through a budget/finance function in the same way payables were tracked.

Mayor Martinez-Rubin referenced Item 8A and requested an amendment to the first sentence of the fourth paragraph of the minutes of the October 9, 2021 Pinole City Council ARPA Workshop meeting to read:

*City Manager Murray acknowledged the receipt of correspondence from Mr. Rupert.*

And to the third sentence of the sixth paragraph of Page 13:

*Bay Front Chamber of Commerce had provided assistance with outreach and education to local businesses and its membership.*

#### PUBLIC COMMENTS CLOSED

- A. Approve the Minutes of the Meetings of October 9, 2021.
- B. Receive the October 16, 2021 – October 29, 2021 List of Warrants in the Amount of \$951,973.66 and the October 29, 2021 Payroll in the Amount of \$445,266.70.
- C. Resolution Confirming Continued Existence of Local Emergency **[Action: Adopt Resolution per Staff Recommendation (Casher)]**
- D. Receive the Quarterly Investment Report for the First Quarter Ending September 30, 2021 **[Action: Receive Report per Staff Recommendation (Guillory)]**
- E. Receive the Fiscal Year (FY) 2021/22 First Quarter Financial Report **[Action: Receive Report per Staff Recommendation (Guillory)]**
- F. Receive the Quarterly Report on Implementation of the Strategic Plan for Fiscal Year (FY) 2021/22 First Quarter **[Action: Receive Report (Murray)]**
- G. Fiscal Year (FY) 2021/22 First Quarter Report on Implementation of Capital Improvement Plan (CIP) Projects **[Action: Receive Report per Staff Recommendation (Kaur)]**
- H. Placement of Liens on Delinquent Unpaid Waste Collection Charges Falling Delinquent Between May 2021 and August 2021, Considered at an Administrative Hearing on October 7, 2021 **[Action: Adopt Resolution per Staff Recommendation (Bell)]**
- I. Award Construction Contract for the San Pablo Avenue Rehabilitation Project (CIP Project #RO1801) **[Action: Adopt Resolution per Staff Recommendation (Kaur)]**
- J. Resolution Directing Staff to Suspend Collection of the Building Permit Fees from November 3, 2021 Through April 30, 2022. **[Action: Adopt Resolution per Staff Recommendation (Guillory)]**
- K. Approve and Authorize the City Manager to Execute a Settlement Agreement Between the City of Pinole and Police Department Employees **[Action: Adopt Resolution per Staff Recommendation (De La Rosa)]**

**ACTION: Motion by Council member Toms/Mayor Pro Salimi to Approve Consent Calendar Items 8A through 8K, but with the removal of Item 8J, and subject to modification to Item 8A, as requested by the Mayor.**

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

- J.      Resolution Directing Staff to Suspend Collection of the Building Permit Fees from November 3, 2021 Through April 30, 2022 **[Action: Adopt Resolution per Staff Recommendation (Guillory)]**

Council member Toms expressed concern waiving all building permits fees since the City would have to go back after the fact, collect fees after issuance, and since the Building Department was already backed up. Given the high volume of applications for new residential units, possibly those building permit fees could be deferred to avoid further delays in review.

City Manager Murray suggested that the matter of following up and collecting fees prior to final inspection would create a lot of work for staff and the process proposed would not bog down a labor intensive process. Since there was a need to be consistent for all parties, if a temporary suspension of the collection of building permit fees was considered until either the new Master Fee Schedule had been adopted or when someone wanted a final inspection that would ensure that all equally suited parties applying for a building permit would have the same approach. The resolution of approval included a provision that anyone desirous to have their building permit fees suspended do so in writing. Staff was hopeful this would be a straightforward process to collect the fees afterward.

City Manager Murray clarified that an applicant would be required to pay the building permit fee prior to obtaining final inspection even during the suspension period. If the fees were updated and ultimately lowered by the City Council, applicants would be rebated the difference in the amount. As an incentive for applicants to pay the building fees, they would be encouraged to hold off on the final inspection until the building permit fee had been paid.

City Manager Murray took the opportunity to introduce and welcome new Community Development Director Lilly Whalen and described her duties.

Community Development Director Lilly Whalen introduced herself to the City Council, and understood that all building permits would be impacted by the proposed suspension of fee collection including water heaters, reroofing applications and the like.

Consultant Farhad Mortazavi reiterated the comments offered by the City Manager on this topic.

City Manager Murray explained that staff felt strongly that all applicants must be treated in the same way, there was no basis to differentiate, and if the building permit fee collection was suspended it would be fair and appropriate in its application to all applicants.

Council member Tave suggested it was good to consider a suspension given the upcoming winter and the fact that applications may slow down. He agreed that the Master Fee Schedule should



be updated given there were many applications that could be considered over the counter but he wanted a larger discussion on permitting in the future. He asked of the number of permits anticipated between now and April and how staff would reestablish the trust with the community given the permit backlog.

City Manager Murray did not have a forecast that could be identified. He suggested this was a cash not a budget issue, and he did not expect all building permits due would be paid even if they were deferred. The City had the cash to navigate this period. He did not see there was a connection between the backlog of processing permits and a suspension of the building permit fee payments. He also commented that a lot of information had been provided to the City Council on the building permit process and he could not recall a request for a future agenda item for a discussion of that process other than an update that had been provided by staff during a prior City Council meeting. He reiterated the City had remained open during the pandemic but had experienced the departure of key staff. City staff was very lean but was on track to eliminate the backlog by the end of the year.

City Manager Murray stated a future agenda item could be considered on the City's permitting process at the direction of the Council, but again while the City's process was not unusual it was more challenging than it had been in the past due to the pandemic. He reiterated there had been misstatements in the public about the permit backlog situation but the City was on track to extinguish the backlog by the end of the year.

Council member Tave stated he would likely request a future agenda item to consider the City's permitting process since he would like to understand the process better.

In response to Council member Toms, City Manager Murray clarified the concerns with the building permits had been brought to the attention of staff by an applicant of a very large project, but that project had paid the same building permit fee as anyone who needed a building permit.

Council member Toms understood the City's building permit fees for larger projects were not consistent with neighboring jurisdictions, and City Manager Murray clarified the City's building permit fee was a straight percentage of the value of the project but Pinole did not use a tiered system.

Council member Toms again expressed concern suspending the building permit fees given that many contractors wanted to move on after a project was completed. She encouraged staff to accelerate the Master Fee Schedule update with a shorter return on the collection of the building permit fees, and stated it was staff's responsibility to be on top of these issues.

City Manager Murray recognized the desire for the Master Fee Schedule update to be completed sooner rather than later. He acknowledged that while a contractor may want to move on after completion of a project, the City would maintain communication with the property owner who would be responsible for the payment of the building permit fee even if the building permit was pulled by the contractor. He was confident the City would be able to collect the fees at the same level as had been done in the past and hoped that residents would be very informed of this temporary provision.

Mayor Martinez-Rubin supported the desire to minimize the burden on the property owner to the extent possible, particularly for smaller projects.

Mayor Martinez-Rubin also understood the many challenges over the past year. Speaking to the Now, Therefore Be it Resolved Clause (4) as shown in the resolution of approval contained in Attachment A to the staff report, she asked staff to clarify the following language:

*As a part of the conditional suspension of collection of fees, the Community Development Department will continue to process, and issue permits under an agreement that will require applicants to repay building fees after the new fee is in place. Applicants that do not wish to sign the agreement may pay the existing applicable Building Permit Fees and receive a refund in the event that the new 2022 Building Permit Fees are a lesser amount.*

Mayor Martinez-Rubin pointed out the language in that section would require applicants to “repay building fees” but she understood the intent was to suspend the collection of building permit fees with payment prior to the issuance of a building permit.

City Manager Murray suggested that section be revised to read:

*As a part of the conditional suspension of collection of fees, the Community Development Department will continue to process, and issue permits under an agreement that will require applicants to pay building fees after the new fee is in place. Applicants that do not wish to sign the agreement may pay the existing applicable Building Permit Fees and receive a refund in the event that the new 2022 Building Permit Fees are a lesser amount.*

Council member Toms recommended the same section be further revised to read:

*As a part of the conditional deferral of collection of fees, the Community Development Department will continue to process, and issue permits under an agreement that will require applicants to pay building fees after the new fee is in place. Applicants that do not wish to sign the agreement may pay the existing applicable Building Permit Fees and receive a refund in the event that the new 2022 Building Permit Fees are a lesser amount*

City Attorney Casher explained from a practical standpoint the City would be suspending the collection of fees, either language could be considered, would be true, but suggested there was no legal significance to the language change.

**ACTION: Motion by Council members Toms/Tave to Adopt a Resolution Directing Staff to Suspend Collection of the Building Permit Fees from November 3, 2021 Through April 30, 2022, subject to modification to Now, Therefore Be it Resolved Clause (4), to read:**

***As a part of the conditional suspension of collection of fees, the Community Development Department will continue to process, and issue permits under an agreement that will require applicants to pay building fees after the new fee is in place. Applicants that do not wish to sign the agreement may pay the existing applicable Building Permit Fees and receive a refund in the event that the new 2022 Building Permit Fees are a lesser amount.***

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

**ACTION: Motion by Council members Toms/Tave to hear Item 10B prior to Item 10A.**

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

## **9. PUBLIC HEARINGS**

*Citizens wishing to speak regarding a Public Hearing item should fill out a speaker card prior to the completion of the presentation, by first providing a speaker card to the City Clerk. An official who engaged in an ex parte communication that is the subject of a Public Hearing must disclose the communication on the record prior to the start of the Public Hearing.*

None

## **10. OLD BUSINESS**

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

Fire Chief Chris Wynkoop reported that the Contra Costa County Board of Supervisors (BOS) had been scheduled to discuss the allocation of Measure X funds based on the Measure X Advisory Committee's recommendations at the BOS meeting on November 2, 2021, but the BOS had subsequently rescheduled the item for its next meeting on November 16, 2021. Staff would provide a brief update and return to the City Council with a more detailed update on November 16 following the BOS meeting.

Contra Costa County Supervisor John Gioia appreciated the partnership between the Contra Costa County Fire Protection District (CCCFPD) and the Pinole Fire Department. He described the background of Measure X, a one-half cent sales tax measure approved by the voters in November 2020, with the establishment of the Measure X Advisory Committee to advise the BOS on the use of Measure X transactions and use tax funds.

Supervisor Gioia detailed the work of the Measure X Advisory Committee which had been charged to make recommendations by Priority Area, with the funds to be used for fire and emergency medical. The Measure X Advisory Committee had been due to make a presentation to the BOS on November 2, although the item had been continued to November 16. He had advocated improving fire service both in West and East Counties. At that time, a proposal would be made to support the reopening of the Pinole Valley Fire Station using \$2 million of annual allocation from the County revenue from Measure X, with the County and Pinole Fire Chiefs working on an operational model as to how that would work.

In addition, the Measure X Advisory Committee proposal would include a recommendation for \$4.5 million countywide for Wildland Fire Prevention, with \$2.5 million to be dedicated to year-round hand crews countywide where it was most needed to clear vegetation and reduce the fire risks in the areas of Wildland Urban Interface (WUI). The recommendation would also include \$2 million annually for larger fuel break projects and Supervisor Gioia stated he would advocate for some of the funding to be made available to homeowners who may need assistance to clear vegetation on their property.

Supervisor Gioia advised the BOS may take action on the proposed allocations at its November 16 meeting or it may continue the item. Interested parties were welcome to provide public input during that meeting. He added the staff report for the November 16 meeting would be made available to the City Council.

#### **PUBLIC COMMENTS OPENED**

Debbie Long, Pinole, thanked Supervisor Gioia for advocating \$2 million to homeowners who may need assistance to clear vegetation on their property which was long overdue given the overgrown brush in EL Sobrante and Pinole. Of the \$2 million recommended to be allocated to reopen Station No. 74, she asked whether the funds could be escalated given annual funding needs.

Supervisor Gioia advised that allocations would be revisited each year and he would raise the issue during the November 16 BOS meeting. The funding was not meant to be static but revisited each year. He clarified that not all of the \$2 million was meant to go to homeowners but for fuel reduction projects, some of which could involve payment to a contractor to conduct a major fuel reduction in areas most needed and a program to address that would assist homeowners.

Ms. Long understood the City of Orinda had used a mulching project in its community which had been a great success.

Rafael Menis, Pinole, asked of the structure of the staff report to be presented to the BOS for its November 16 meeting.

Supervisor Gioia explained that the purpose was to reopen the Pinole Valley Fire Station and the amount identified had been the outcome of mutual conversations between the Pinole and County Fire Chiefs. He did not anticipate the amount would be less than needed and again welcomed everyone to provide input at the BOS meeting.

Irma Rupert, Pinole, thanked Supervisor Gioia for contacting her since she had been upset about a recent newspaper article, which had reported that the Measure X Advisory Committee would only consider funds for East County Fire Stations. She thanked Supervisor Gioia and the County Fire Chiefs for considering the City of Pinole and making a presentation to the City Council and providing clarification. She urged residents to send e-mails and make contact with the BOS during its November 16 meeting, and emphasized the importance of reopening Fire Station No. 74, which had been closed for years.

Christy Lamb Julian, Pinole, was frustrated to learn that the one acre of land located behind her home was actually owned by the City. While there had been a non-profit program to assist homeowners to clear debris, the funding had been reduced significantly where the burden now fell on the homeowner for property she did not own. She asked what could be done to allocate more funds to assist homeowners to help the community as a whole given that fire seasons would only increase and be stronger and longer.

Supervisor Gioia acknowledged a recent article had led to the perception that the City of Pinole would not be funded and the article had not captured everything. He reiterated the \$4.5 million proposed to be allocated from Measure X funds would be for year-round hand crews and for hiring contractors for larger projects, bringing in equipment and providing a program to assist homeowners who may not be able to clear vegetation themselves.

The program would likely be set up with the CCCFPD in cooperation with local fire departments in terms of how the program would be administered and to identify the areas of greatest need.

Fire Chief Wynkoop emphasized the County Fire Chiefs collectively and collaboratively had prepared a composite proposal which benefitted the entire County.

#### PUBLIC COMMENTS CLOSED

Council member Toms reported she had tuned into a number of the Measure X Advisory Committee meetings with many of the discussions including advocates for East County Fire. She reported there had been a comprehensive request from the County Fire Chiefs with a total ask of \$28.85 million, and she hoped the BOS would approve the full ask. She had provided public comment during BOS meetings and had requested the BOS not segregate the funds by geography for East County. She emphasized the importance that the entire ask of the County Fire Chiefs proposal be allocated, and that Pinole residents were in support of Measure X for this very item.

**ACTION: Motion by Council members Toms/Tave to direct staff to forward the same letter the City Council had forwarded to the Measure X Advisory Committee to the Contra Costa County Board of Supervisors.**

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

Supervisor Gioia pointed out that Measure X would be for a 20-year period and he expected there would be an attempt to put it back on the ballot in the future. He suggested that extending the sales tax would be easier than getting the measure passed initially. He recognized the interest in maintaining fire services and the hope that Measure X revenue would only increase over time since sales taxes in Contra Costa County were relatively stable.

Mayor Martinez-Rubin asked that any assistance to homeowners also include not only monetary assistance but address the possible lack of physical capacity to do the work. She added that code enforcement knowledge should not be ignored and she hoped that discussions had been held between the Pinole Fire Chief and the Code Enforcement Officer in terms of informing conversations with the County Fire Chiefs.

The City Council looked forward to continued discussions with Supervisor Gioia, and he and Fire Chief Wynkoop were thanked for their comments.

**A. Plans for Annual Holiday Tree Lighting Event in 2021 [Action: Discuss and Provide Direction per Staff Recommendation (De La Rosa)]**

Recreation Manager Maria Picazo provided a PowerPoint presentation of the Annual Holiday Tree Lighting Event and outlined the activities that had been held pre-2020. The 2021 Annual Tree Lighting Event had been scheduled for Saturday, December 4, 2021 at Fernandez Park from 3:00 to 5:00 p.m., with the activities planned and sponsors identified. Everyone was invited to join in the festivities.

## PUBLIC COMMENTS OPENED

Christy Lamb Julian, Pinole suggested allowing each school to provide a tree where students could decorate the tree and the sponsors could decorate their own tree in support of the community event. She asked whether or not that could be considered.

Ms. Picazo confirmed such a request had been made by a member of the community. Staff had looked into whether it could be provided but due to the power source in the community corner at Fernandez Park there was not sufficient power to light the main tree and any additional trees.

City Manager Murray understood that ornament decorating stations had been provided at prior events and asked staff whether the ornaments could be used to decorate the tree, and Ms. Picazo explained that the decorating stations used in the past had involved ornaments that had been taken home and it was rare that decorations were left behind. She was uncertain the ornaments to be provided would sustain weather conditions and while it would be a nice addition, it was something staff would have to evaluate further.

Christy Lamb Julian suggested a printout of an ornament that could be decorated, laminated and placed on the tree, which would not have to be illuminated. Such participation would bring the community together and be a community building project, particularly due to the challenges of the pandemic. She reiterated her prior recommendation and suggested an artificial tree could be donated for such use.

## PUBLIC COMMENTS CLOSED

Council member Toms looked forward to an outside gathering this year, liked the ideas offered by the public, and suggested staff had contacts with most of the Parent Teacher Associations (PTAs) where some classes may consider a class ornament program or gather with friends at the Annual Holiday Tree Lighting ceremony. She otherwise asked what plans had been put in place in the event of inclement weather on December 4.

Ms. Picazo confirmed if there was rain during the December 4 event, the activities planned would have to be canceled and the tree lighting potentially rescheduled.

Council member Toms suggested Ms. Picazo provide her e-mail to members of the public to provide an opportunity to discuss the event further, and Ms. Picazo provided her e-mail for the record at [mpicazo@ci.pinole.ca.us](mailto:mpicazo@ci.pinole.ca.us)

Assistant City Manager De La Rosa added the City was still within the mask and social distancing requirement and if the event had to be moved indoors it would not comply with the Health Orders related to confined spaces.

Mayor Martinez-Rubin supported ongoing and necessary measures to minimize exposure to COVID-19.

Council member Murphy thanked staff for the continued success with the Food Bank distribution and events at Fernandez Park. He asked whether or not the City had a volunteer process for such events given there were people who wanted to become involved.

Ms. Picazo stated at this time volunteers were not needed for the event. Normally, a volunteer would be required to go through an application process with the Human Resources Department. A volunteer group from the local high school and Recreation Department staff would be involved in the Annual Holiday Tree Lighting but as they continued to build such events it was hoped they would return to the possibility of more community involvement.

Assistant City Manager De La Rosa suggested as the Community Development Department was expanded, it could consider expanding the use of volunteers for community events and any other services provided by the City.

Council member Murphy suggested it would be valuable to have a volunteer database that could be used in the future and for the public to be more informed as to how to become involved in community events.

City Manager Murray reported Sorell Consulting, which was developing the Communication and Engagement Plan, would be looking into a more robust volunteer program including a volunteer database.

Council member Tave asked whether there were solar options for additional trees, and Ms. Picazo suggested that could be something to be considered in the future.

In response to Council member Murphy, Assistant City Manager De La Rosa confirmed the City was working with Pinole TV to film the event and he would have to find out whether it would be broadcast live or be edited.

Mayor Pro Tem Salimi asked why full electrical capacity could not be installed in the park to allow more trees to be illuminated. He did not see it would be a hardship to accommodate more trees.

Assistant City Manager De La Rosa reiterated the tree lighting itself would occur at the community corner, with limited electrical capacity. A generator would have to be brought in to illuminate more trees.

Public Works Manager Joseph Bingaman described the power capabilities at Fernandez Park and at the community corner. The community corner had only one outlet and lighting more than the main tree would present an issue. Other outlets in Fernandez Park would provide an opportunity for something to be developed.

Mayor Martinez-Rubin suggested staff discuss the options that were feasible based on the ideas from the public and inform the City Council what was feasible.

Ms. Stone advised there were more public comments at this time.

Mayor Martinez-Rubin advised that the public comment had been closed. Additional comments from the public related to the holiday festivities could be submitted to the Recreation Manager and staff's e-mail address was again identified for the record. She recalled in the past that swags had been suspended over San Pablo Avenue to announce upcoming holiday events and she asked whether that would be done again.

Assistant City Manager De La Rosa explained that swags had not been planned for this year and a banner would have to be purchased in the future and placed along those lines.

City Manager Murray expressed the willingness to look into whether the swag that had been used in the past was available for use. He agreed it would add to the festive atmosphere of the downtown. If one could be secured for this year at a reasonable place, he would see that it got done.

Mayor Martinez-Rubin suggested alternatively that whatever recycled banners that had been placed along some of the light posts for different seasons of the year also be considered. She emphasized the need to recognize all of the sponsors that had been involved in this event since their involvement reflected what was necessary to pull off a community-oriented celebration. She hoped to integrate some of the ideas offered by the public to reflect the event's significance to building a sustainable community and the diversity of how the winter holidays were celebrated in the community.

## **11. NEW BUSINESS**

None

## **12. REPORTS & COMMUNICATIONS**

### **A. Mayor Report**

#### **1. Announcements**

Mayor Martinez-Rubin reported she had attended meetings of the Mayors' and Supervisors Conference and East Bay Division of the League of California Cities, and briefed the Council on the discussions including an overview of the County Climate Action Plan (CAP) and presentation from the Contra Costa Transportation Authority (CCTA) on different projects to increase mobility and address issues with the I-80 Corridor. She asked everyone to continue to adhere to public health guidance related to COVID-19 guidelines.

### **B. Mayoral & Council Appointments**

None

### **C. City Council Committee Reports & Communications**

Council member Tave stated he had been reappointed to the Government Transparency Labor Relations Committee for the League of California Cities; encouraged residents to make their voices heard regarding the use of Measure X funds at the November 16 BOS meeting; and reminded everyone of the upcoming ARPA Community Workshop scheduled for Saturday, November 6, with information on the City website and social media. He encouraged the community to be aware of the road conditions after recent rainy weather, particularly along I-80.

Council member Murphy reported he was currently in Glasgow, Scotland for the UN Climate Change Conference (COP26) and was proud the City was funding many climate action projects in that small cities represented the frontline for climate action. He also reported he had spoken with KQED about climate change and thanked staff for their assistance in putting that forward.



Council Member Murphy continued to encourage the public to keep providing public comment during City Council and BOS meetings. He also reported that MCE would be holding an Executive Committee meeting on Friday, November 5 at 12:15 p.m., which meeting was open to the public. Council member Toms reiterated her recommendation for support for the BOS to approve the full request of the County Fire Chiefs regarding the use of Measure X funds.

#### D. Council Requests for Future Agenda Items

Mayor Pro Tem Salimi requested a future agenda item for a discussion of a Charter City and real estate transfer taxes as a means to fill the gap needed to open Fire Station No. 74, or as an option approval of a parcel tax.

Fire Chief Wynkoop reported that nothing had been penciled out, all of the details still needed to be clarified, but with the current fire budget and potential funds from Measure X, it would roughly be in the ballpark to open both fire stations.

Mayor Pro Tem Salimi withdrew his request at this time with the clarification provided by the Fire Chief.

Council member Tave requested a future agenda item to provide a presentation differentiating the building permits for small, medium and large applications from those of the customer/resident experience in order to provide a comprehensive understanding of the existing work load for building permits. He sought clarity on the process to allow residents to know what to expect when applying for a building permit.

Mayor Pro Tem Salimi supported the request.

In response to the Mayor, City Manager Murray confirmed that information on the existing building permit process could be posted on the City website. The new Community Development Director would also likely have some thoughts on where there could be opportunities for process modifications. Said information could be provided in whatever form the City Council desired.

Council member Toms would be interested in that information but did not want to take personnel away from processing building permits just to update the City Council. She suggested when staff had the opportunity to catch up that would be the appropriate time to provide a report.

Council member Tave suggested the report could be provided after January 2022, and the City Manager suggested a date certain for staff to return with a report. He suggested the February timeframe would provide enough time for the Community Development Director to identify opportunities or modifications. He clarified the update to the Master Fee Schedule would not change the process in that the fees to be collected for different projects at different points would remain the same. Details on the permit process could be provided in February and if the City Council desired a follow-up report after the Master Fee Schedule had been updated and implemented that could be considered as a separate item.

Mayor Martinez-Rubin agreed that an orientation on the permit process be presented to the City Council by the Community Development Director and other staff members involved to be presented to the City Council at its second meeting in February 2022, as well as integration of what had happened on the other side of the intake desk. Consensus given.

Mayor Pro Tem Salimi requested the December City Council meeting be held in-person, particularly since there would be City Council reorganization at that meeting.

Mayor Martinez-Rubin saw no need to meet in-person and emphasized her opinion that the meetings remain in the Zoom format at this time to minimize exposure to COVID-19.

City Manager Murray expected the City Council would like a small COVID-19 safe in-person session for the City Council transition. He did not expect an actual City Council meeting would be held in-person.

City Clerk Bell confirmed there would be an opportunity to have an in-person meeting for the City Council meeting of December 7, 2021 if the City Council directed staff to do that, an opportunity to hold the meeting virtually and a separate event that would be ceremonious for the City Council transition.

Mayor Pro Tem Salimi reiterated his request that the December City Council meeting be held in-person.

City Manager Murray reported if an in-person meeting was held on December 7, three Council members would have to be physically present to meet in-person and two Council members would be able to participate remotely, and that a hybrid format would still be possible.

City Attorney Casher confirmed that possibility and explained that an Item for Assembly Bill (AB) 361 would be brought forward on the agenda at the next regular meeting of the City Council scheduled for November 16, with a discussion as to whether or not to have the City Council meetings remain virtual. That would allow the opportunity to discuss whether or not to continue with virtual meetings or meet in-person on December 7.

Council member Toms asked the City Attorney to clarify whether or not City Council members who wanted to participate live must be vaccinated which should be part of the discussion during the November 16 meeting.

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

City Manager Murray reported residents had been provided a mailer about the second ARPA workshop scheduled for Saturday, November 6; the Veteran's Day Ceremony had been scheduled for Thursday, November 11 in Fernandez Park; and residents had been provided a mailer requesting participation in the Local Road Safety Plan. Also, options for the design of the replacement bridge over San Pablo Avenue would be discussed as part of a Community Workshop planned for early December 2021. He again welcomed Community Development Director Whalen to the management team.

#### **F. City Attorney Report**

City Attorney Casher reported the Municipal Code Update Subcommittee would meet on Wednesday, November 3 to discuss updates to the code enforcement lien process, Fireworks Ordinance, encroachment permit requirements, codifying the Code of Ethics in the Pinole Municipal Code (PMC), Preservation Ordinance, and Senate Bill (SB) 1383, with all ordinances to come to the full City Council for approval via public hearings.

Mayor Pro Tem Salimi asked that the meeting be adjourned in memory of Joshua Tilton, a resident of Pinole.

Mayor Martinez-Rubin offered her condolences to the Tilton Family. She also recognized a request from the public to adjourn the meeting in memory of all veterans who had lost their lives to wars and conflicts and she asked that the meeting also adjourn in memory of all veterans.

13. **ADJOURNMENT** to the Special City Council Workshop of November 6, 2021 in Remembrance of Amber Swartz and in Memory of Pinole resident Joshua Tilton and All Veterans.

At 8:09 p.m., Mayor Martinez-Rubin adjourned the meeting to the Special City Council Workshop of November 6, 2021 in Remembrance of Amber Swartz and in Memory of Pinole resident Joshua Tilton and All Veterans.

**Submitted by:**



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**Heather Bell, CMC**  
**City Clerk**

**Approved by City Council: November 16, 2021**

