

**CITY COUNCIL MEETING
MINUTES
May 17, 2022**

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

The City Council Meeting was held via Zoom videoconference and broadcast from the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Vincent Salimi called the Regular Meeting of the City Council to order at 5:03 p.m. and led the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT

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

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

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

A. COUNCILMEMBERS PRESENT

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

B. STAFF PRESENT

Andrew Murray, City Manager
Heather Bell, City Clerk
Eric Casher, City Attorney
Markisha Guillory, Finance Director
Sanjay Mishra, Public Works Director
Lilly Whalen, Community Development Director
Neil Gang, Police Chief
Chris Wynkoop, Fire Chief
Misha Kaur, Capital Improvement and Environmental Program Manager
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on Thursday, May 12, 2022 at 4:00 p.m. with all legally required written notices. Written correspondence had been received, distributed to the City Council and posted on the City website in advance of the meeting.

Following an inquiry, Mayor Salimi reported due to the proximity of his residence he would have a conflict with Item 4A and would have to recuse himself from the discussion at which time the Mayor Pro Tem would chair the meeting in his absence.

4. CONVENE TO A CLOSED SESSION

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

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Gov. Code § 54957.8

Property: 612 Tennent Avenue

Agency negotiator: City Manager Andrew Murray, City Attorney Eric Casher, Legal Counsel Stephanie Downs, Community Development Director Lily Whalen, Suzy Kim (RSG) Negotiating Parties: Exquisitely Designed (Angel), Feben Haile, Jessica Yap, Leonard Williams, - LDW Investment Group, Michael and Cygridh Rooney, Suranga Edirisooriya, Yat Hung Ning and Oi Ha Leung
Under Negotiation: Price and terms

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

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

At 6:02 p.m., Mayor Pro Tem Murphy reconvened the meeting into open session and announced there was no reportable action from the Closed Session.

Mayor Salimi returned to the meeting at this time,

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

Rafael Menis, Pinole, reported that case rates of COVID-19 had increased in the City of Pinole and were above the countywide average. He encouraged residents to take precautions and resume masking particularly in crowded in-door areas. He also spoke about Contra Costa County District Attorney Diana Becton, the details of an editorial in the East Bay Times about her performance, and commented on her many efforts to improve the District Attorney's Office for Contra Costa County residents. For those reasons, he supported District Attorney Becton.

Tony Vossbrink, Pinole, inquired of the status of efforts to capture a shooter related to an incident that had occurred about a month ago at the Pinole Valley Bowling Alley parking lot. He suggested the City of Pinole and Contra Costa County should consider a \$10,000 reward to move the case

forward and the bowling alley should be reported to the Department of Alcohol and Beverage Control (ABC) since the license for the business may be being abused. He also asked for an update on who was responsible for cleaning the outside of the public library given the need for maintenance with respect to lighting in the parking lot, which should be a priority. In addition, stop lights up and down Pinole Valley Road were inoperable, was a safety issue and could pose a liability for the City.

Mayor Salimi stated the City of Pinole was a safe City, crime had decreased over the past few years, and the incident at Pinole Valley Bowl was not a reflection of Pinole but of the society everyone lived in and an update could be provided to the speaker at a later date.

Ivette Rico, Chair, Pinole for Fair Government, briefed the City Council on discussions during two Community Conversations Pinole for Fair Government had held to date, with more events scheduled for May 21, June 11 and June 18. Guest speakers were identified. All events would be held at Christ the Lord Episcopal Church, 592 Tennent Avenue. Additional dates had been scheduled for July and more information would be provided to the City Council at a later date. Everyone was encouraged to participate with all event information posted on the organization's website.

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Salimi reported a Ribbon Cutting Ceremony had been scheduled for May 19 at 4:00 p.m. for Dr. Lee's Ophthalmology Center.

B. Mayoral & Council Appointments

1. Community Services Commission **[Action: Make Appointments by Minute Order per Recommendation of the Interview Subcommittee (Bell)]**

Mayor Salimi stated the item had incorrectly been shown as Item C1 on the Zoom agenda slide.

City Clerk Bell presented the staff report and recommended the City Council approve, by minute order, the recommendations from the Community Services Commission Interview Subcommittee to make the following appointments to the Community Service Commission:

Christy Lam-Julian (new applicant)
Laurette Martinez (incumbent, term expired)
Debbie Ojeda (incumbent, term expired)
Bob Kopp (incumbent, term expires on 6/30/22)
Darin Clarke (incumbent, term expired); and
Nikolas Teller (incumbent, term expired)

Council member Martinez-Rubin thanked the incumbents for their willingness to remain on the Community Services Commission and for the interest of new applicant Christy Lam-Julian, and confirmed with City Clerk Bell that only one new application had been received and the appointments would be for two-year terms for each candidate. Recruitment would remain open

even if the City Council approved the recommendations since there remained one vacancy and any applications received would be forwarded to the Community Services Commission Interview Subcommittee and thereafter to the City Council for action.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, reported he had worked with all incumbents including new applicant Christy Lam-Julian. He urged the City Council to approve the recommendations as shown.

Irma Ruport, Pinole, agreed the appointments should be approved. She asked that when there were vacancies on City Commissions/Committees they be identified when available for interested applicants.

PUBLIC COMMENTS CLOSED

ACTION: Motion by Council member Toms/Mayor Pro Tem Murphy to accept the recommendations from the Community Services Commission Interview Subcommittee, subject to two year terms.

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

C. City Council Committee Reports & Communications

Mayor Pro Tem Murphy invited the community to the Marin Clean Energy (MCE) Board meeting scheduled for Thursday, May 19, 2022, and briefed the Council on the agenda with all information available on the MCE website. He also congratulated City staff who had been involved in making Pinole a more sustainable community and reducing Greenhouse Gas (GHGs) emissions, detailing the efforts achieved to date and with MCE having highlighted Pinole City staff in a recent article. The article had been shared on his social media, posted on the MCE website and had been shared with the City Manager.

Council member Tave reported he had attended a recent League of California Cities Conference and briefed the Council on the panels attended, the discussions on leadership, and budget updates. He added the Municipal Code Update Subcommittee would meet on May 23. He encouraged everyone to continue to wear their masks.

Council member Toms reported she had attended a WestCAT Board meeting and briefed the Council on the discussions and actions taken.

Council member Martinez-Rubin reported she had attended a special meeting of the West Contra Costa Transportation Advisory Committee (WCCTAC) and briefed the Council on a presentation and discussion of the Phase 2 San Pablo Avenue Multi-Modal Corridor Study, with presentations on the project to be made to the City Councils of the cities of Richmond, San Pablo and El Cerrito. She too encouraged everyone to continue masking, get their booster shots and stay safe.

D. Council Requests for Future Agenda Items

Council member Toms requested that the Municipal Code Update Subcommittee consider the policy actions proposed by the Friends of Pinole Creek Watershed. Consensus given.

Council member Tave requested a future agenda item to explore a Youth Commission or Citizens Academy.

Mayor Salimi explained he had discussed that possibility with the City Manager and understood a future presentation would be made to the City Council.

City Manager Andrew Murray confirmed there had been a request for a future agenda item to discuss the role, form and authority of existing and past Commissions, which had been scheduled for consideration at the June 21, 2022 City Council meeting. Consideration of a Youth Commission and Citizens Academy were being reviewed by the Communications and Engagement Consultants with a recommendation forthcoming. The City Council may consider a separate agenda item if the Council so decided.

Council member Tave was willing to wait for the outcome of the pending consultant reports.

Mayor Salimi requested a future agenda item for staff to provide information on a vacant parcel tax. Consensus given.

Mayor Salimi requested a future agenda item for staff to provide information on commercial cannabis in terms of how other cities were dealing with commercial cannabis as a source of revenue. Consensus given.

E. City Manager Report / Department Staff

City Manager Murray encouraged residents to visit the City website, Facebook page and review the bi-weekly administrative report which included information on numerous City events, which he detailed at this time. He also provided a preview of potential agenda items for the June 7, 2022 City Council meeting.

F. City Attorney Report

City Attorney Eric Casher reported he and Assistant City Attorney Alex Mog had attended the League of California Cities City Attorneys Conference and briefed the Council on the discussions. He added the Municipal Code Update Subcommittee would meet on May 23 to discuss updates to the Pinole Municipal Code (PMC) related to code enforcement, liens and code of ethics.

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, speaking to Item 7D, requested a future agenda item to invite Lavonna Martin, Contra Costa County Health Services Director Health, Housing & Homeless Services to provide an update on homelessness, and also invite Sabrina Landreth, General Manager, East Bay Regional Park District (EBRPD) to provide an update on how COVID-19 had impacted park services.

Rafael Menis, Pinole, also spoke to Item 7D, and asked the City Council to consider a future agenda item to draft a Letter of Support for Assembly Bill (AB) 1947, Hate crimes: law enforcement policies.

PUBLIC COMMENTS CLOSED

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY ANNOUNCEMENTS

A. Proclamations

1. National Police Week

The City Council read into the record a proclamation recognizing National Police Week and thanked all law enforcement for their hard work, community engagement and outreach and for keeping the community safe.

Chief of Police Neil Gang thanked the City Council for the recognition on behalf of the Pinole Police Department. He emphasized officers were blessed to serve the community and he recognized the three fallen heroes identified in the proclamation who would never be forgotten. He added that Project Hope would be held on May 18, start at 9:00 a.m. at Motel 6, and was an effort to help and provide resources to the homeless in the community.

Fire Chief Chris Wynkoop, also expressed his appreciation to Police Chief Gang and the Pinole Police Department on behalf of the Pinole Fire Department in recognition of National Police Week.

Mayor Salimi reported the Pinole Police Department had an open door policy where members of the community could visit the Department and some in the community from Europe who had visited the department had told him how impressed they had been with the level of professionalism and with the use of technology by the Police Department.

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, expressed his appreciation to Police Chief Gang and his team for their hard work to make Pinole safe.

Roy Swearingen, Pinole, commented on his time working with Police Chief Gang as a former member of the City Council. He found what the Police Chief had done with the Police Department to be extraordinary providing a sound Department to meet the needs of the community.

Rafael Menis, Pinole, echoed the comments and appreciated the efforts of the Police Chief and the Pinole Police Department, particularly those who had made the ultimate sacrifice in the line of duty. He also commented on the efforts of the Department to maintain the health of its officers through many programs and policies that had been adopted to maintain mental and physical health. He also appreciated the efforts to maintain the lines of communication and engagement between the Department and the community.

PUBLIC COMMENTS CLOSED

B. Presentations / Recognitions

None

9. CONSENT CALENDAR

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

- A. Approve the Minutes of the April 26, 2022 Special Meeting and May 3, 2022 Regular Meeting
- B. Receive the April 30, 2022 – May 13, 2022 List of Warrants in the Amount of \$947,081.15 and the May 13, 2022 Payroll in the Amount of \$492,173.90.
- C. Resolution Condemning the 2022 Russian Invasion of Ukraine and Expressing Support of Ukraine and the Ukrainian People **[Action: Adopt Resolution per Staff Recommendation (Murray)]**
- D. Resolution Authorizing the City of Pinole and Contra Costa County to Enforce Single-Use Foodware Accessories Limitations Contained in AB 1276 **[Action: Adopt Resolution per Staff Recommendation (Casher)]**
- E. Resolution in Support of the League of California Cities' Opposition to the Taxpayer Protection and Government Accountability Act **[Action: Adopt Resolution per Staff Recommendation (Guillory)]**
- F. Approving an Application to Memorialize Dean Allison Per the Recommendation of the City Council Committee on Memorials **[Action: Adopt Resolution per Staff Recommendation (Murray)]**
- G. Receive the Fiscal Year (FY) 2021/22 Third Quarter Financial Report **[Action: Receive and File Report (Guillory)]**
- H. Receive the Quarterly Investment Report for the Third Quarter (Ending March 31, 2022) **[Action: Receive and File Report (Guillory)]**

PUBLIC COMMENTS OPENED

Ann Moriarty, representing Friends of Pinole Creek Watershed, referenced Item 9D, and commented that having completed a trash assessment to analyze the trash found in Pinole Creek, and with the knowledge the largest trash found was single use plastic, she was pleased to see the consideration of this item. She hoped that there would be sufficient notification to restaurants and fast food establishments so that the regulations of AB 1276 would be effective but asked how code enforcement would be notified in the event of violations. She also asked the City Council to consider expanding Ordinance 8.37.020 which prohibited the use of polystyrene based disposal foodware, and require all foodware distributed in the City of Pinole and used in City facilities to be compostable.

Rafael Menis, Pinole, referenced Item 9C, and thanked the City Council for consideration of the proclamation for Ukraine, but suggested the reference in the proclamation to United States President be changed to read *President of the United States* or *Leadership of the United States*.

Roy Swearingen, Pinole, spoke to Item 9F, which he supported and was well deserved given that Dean Allison had been a pillar of the community and had given so much to the City. He described Mr. Allison's many accomplishments for Pinole and was glad the memorial was finally coming to fruition. He hoped Mr. Allison's family would be kept informed of its status and he had contact information for the family if needed.

PUBLIC COMMENTS CLOSED

ACTION: Motion by Council members Toms/Martinez-Rubin to Approve Consent Calendar Items 9A through 9H, as shown.

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

10. PUBLIC HEARINGS

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

None

11. OLD BUSINESS

A. Revised Proposed Long-Term Financial Plan for Fiscal Year (FY) 2022/23 – FY 2026/27 [Action: Review and Provide Direction (Guillory)]

Finance Director Markisha Guillory provided a PowerPoint presentation on the Revised Proposed Long-Term Financial Plan (LTFP) for Fiscal Year (FY) 2022/23 – FY 2026/27, which included an overview of the purpose of the LTFP; the LTFP Updates that included information on the status quo financial forecast, which was essentially balanced over the five-year period; policy alternatives with additional revenue having been updated to include General Obligation Bonds; and other potential taxes including cannabis tax, vacant parcel tax and grants.

The Status Quo Financial Forecast included the General Fund and Measure S 2006 and 2014, the Status Quo Forecast Updated included an increased transfer for Other Post-Employment Benefits (OPEB) Trust and included the savings factor for position vacancies. The Status Quo Financial Forecast Assumptions – Revenues and Expenditures were also highlighted and based on all information the Financial Forecast would be structurally balanced.

Finance Director Guillory recommended the City Council review the Revised Proposed Long-Term Financial Plan for Fiscal Year (FY) 2022/23 – FY 2026/27 and provide direction to staff for

changes to be incorporated into the next draft of the document, the Final Proposed version, to be brought back to the City Council for adoption on June 7, 2022.

Responding to the City Council, Finance Director Guillory clarified the funds in the OPEB Trust could be left in the account for future years if that was the direction of the City Council but it was not the policy in place at this time. She noted the General Reserve remained in place, and had a policy of 50 percent of General Fund expenditures going forward.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, stated he had provided written comments to Finance Director Guillory. He understood the Status Quo Financial Forecast had not included the additional positions that had been requested in the budget process on May 3, 2022. He provided his calculations for the deficits that would occur in the next and future fiscal years based on his understanding of the fiscal impacts of adding those positions and based on certain assumptions. He asked staff to clarify whether his calculations were accurate.

Roy Swearingen, Pinole, spoke to the OPEB Trust which had been set up years ago based on the California Public Employees' Retirement System (CalPERS) plan with lower retirement ages, which was going into the negative and the only way to balance the books was to borrow from investments which would result in less interest. If the City were to consider changing its policy related to the OPEB Trust, he would request more review of the OPEB fund and the state parent system to analyze whether that system would sustain itself if the City were to borrow from its fund.

Mayor Salimi asked the Finance Director to provide a response to Mr. Menis' comments offline.

PUBLIC COMMENTS CLOSED

Further responding to the City Council, Finance Director Guillory explained she would have to get back to the City Council with more information on the specifics of the California Public Employees' Pension Reform Act (PEPRA) which was the reform act to PERS.

City Manager Murray stated the Five-Year Forecast in the LTFP included a line item for the City's contribution towards employee pensions, and with a number of factors over the past decade with PEPRA, which had standardized and reduced the benefits retirees' received. He also commented on the CalPERS effort to require cities to contribute more to make up for the lower return on investment and increase in life expectancy, which was partially offset by the fact that some City employees were members of PEPRA, a less costly benefit to provide employees. He went on to comment that the forecast had been based on information provided by CalPERS, with the City's contributions to level off over a couple of years and then grow around 5 percent year to year, with the City's forecast assuming more expenses would grow at the rate of inflation. While there had been some hardships due to CalPERS requirements, the City's required contributions were leveling off.

City Manager Murray again walked through the General Reserves and the City's policy to maintain a balance equal to 50 percent of the General Fund ongoing expenditures and stated the City Council may decide to increase ongoing expenses even if greater than revenues and use fund balances to support those. He offered example scenarios of short-term investments. He added as part of the consultant work, the City's Master Fee Schedule needed to be updated and when

done it was likely there would be a recommendation to increase fees to provide cost recovery for certain City services. An Economic Development Strategy would also be presented soon and would include potential strategies that may increase revenues.

Finance Director Guillory again walked through the budget projections, organizational assessment changes and the proposed deficits as shown. Capital Improvement costs would be identified as part of item 12B, were considered to be one-time expenses and had not been included in the LTFP, which was for ongoing revenues and expenditures.

ACTION: Motion by Council members Martinez-Rubin/Toms to accept the Revised Proposed Long-Term Financial Plan for Fiscal Year (FY) 2022/23 – FY 2026/27, as presented.

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

Mayor Salimi asked the City Council to consider item 12B prior to Item 12A at this time since some members of the community were also participating in the City of Richmond City Council meeting and were considering the same item under 12A.

12. NEW BUSINESS

A. Preliminary Proposed Fiscal Year (FY) 2022/23 Through 2026/27 Five-Year Capital Improvement Plan [Action: Review and Provide Direction (Mishra)]

Capital Improvement and Environmental Program Manager Misha Kaur provided a PowerPoint presentation of the Preliminary Proposed Fiscal Year (FY) 2022/23 Through 2026/27 Five-Year Capital Improvement Plan (CIP), which included an overview of the CIP in the categories of facilities, parks, sanitary sewer, stormwater, streets and roads and infrastructure assessments; CIP timeline; and a summary of new capital and infrastructure projects.

Ms. Kaur explained that two additional staffing positions had been requested to help deliver the identified projects, an Associate Engineer and a Public Works Specialist. The City Council was asked to review the Preliminary Proposed Fiscal Year (FY) 2022/23 Through 2026/27 Five-Year CIP and provide direction to staff. Staff would return to the City Council on June 7 with the Revised Proposed CIP and would present the Final Proposed CIP to the City Council for adoption on June 21, 2022.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, referenced #FA1902, Energy Upgrade Project, and asked whether or not heat pumps could be installed during the HVAC replacement, particularly for the Senior Center. For #SS1702, Sewer Pump Station Rehabilitation, he asked how realistic the identified timeline was since it involved a multiyear effort. For #IN2102, Municipal Broadband Feasibility, he understood the project completion was to be June 2023 and the dates shown did not make sense.

Irma Ruport, Pinole, referred the timelines shown for #FA2202, Senior Center Modernization and #FA1901, Senior Center Auxiliary Parking Lot, and suggested the Senior Center Modernization should be a higher priority than the auxiliary parking lot. Also #PA2101, Installation of high-capacity trash bins, she questioned the costs for the first year as shown and suggested there were other priorities. She added the City should hire a mental health professional for the City either full time or on-call, which was much needed in the community.

Tony Vossbrink, Pinole, agreed with the comments and suggested the Senior Center and Pinole Library should be designated as official cooling stations and that the facilities be self-sustaining with battery backups in the event of a loss of electricity. Both facilities should be identified on the list of cooling stations for Contra Costa County. He also sought more detail on parks funding and plans to upgrade or retrofit the Pinole Dog Park.

Mayor Salimi asked staff to respond to the speakers' comments offline and asked staff to ensure the two facilities referenced were identified on the County's list of cooling stations.

Responding to the City Council, Ms. Kaur and City Manager Murray again clarified the summary projects as shown in the PowerPoint presentation. The categories for each project and the fiscal year the project had been programmed or when the project had first been conceived based on the project number as shown in the CIP were all identified. The new capital projects for FY 2022/23, new infrastructure assessment project for FY 2022/23 and the capital projects for FY 2023/24 – FY 2026/27 were highlighted with all information in the May 17, 2022 agenda packet. Most of the projects were City Council initiated with the exception of the Senior Center Modernization, Public Safety Building Modernization and Skate Park Rehabilitation projects which were staff driven in response to infrastructure and operational needs. The summary of new projects and the CIP had been presented to the Planning Commission at its May 9 meeting and had previously been presented to the Finance Subcommittee and City Council.

Further responding to the Council, Community Development Director Lilly Whalen clarified the park grants funding sources as shown in the table, City of Pinole Proposed Preliminary FY 2022/23 Through 2026/27 Five-Year Capital Improvement Plan. She reported the City had collected over a million dollars for this fiscal year from the Vista Woods project in park and recreation development impact fees and anticipated that building permits would be pulled in the next fiscal year for the SAHA, Appian Village and BCRE Projects, which had been entitled with an expected \$1.3 million in park and recreation development impact fees.

As to whether it was possible to program those funds or assign funds for the Skate Park Rehabilitation Project, Ms. Kaur explained at this time the project sheet for the Skate Park Rehabilitation Project had shown an estimated use of \$150,000 from Fund 106, although if the City Council desired to use the park and recreation development impact fees collected as a swap for that funding source that could be considered along with any other changes for the project.

Finance Director Guillory noted that the Third Quarter Financial Report, as part of agenda item 9G, had shown the Growth Impact Fund with \$1.3 million projected through year end which had not been programmed for this fiscal year.

Public Works Director Sanjay Mishra added that the estimate shown for the Skate Park Rehabilitation was just a budgetary estimate. Staff had not done a real estimate of costs to rehabilitate the facility. The Senior Center Modernization and Auxiliary Parking Lot projects and

timelines were also clarified, with the Senior Center Modernization to involve primarily the interior of the facility that would not contribute to the parking lot improvements, which was a separate project involving separate funds that could run parallel.

Ms. Kaur added that the Senior Center Auxiliary Parking Lot had been evaluated by the Fowler Reuse Committee that had evaluated the reuse and redevelopment of the lot. In 2021, the City Council awarded a contract to a consultant for the preliminary engineering and design of the parking lot with design options presented to the City Council in February 2022. As to whether the timeline for the Senior Center Modernization could be sped up, staff was also exploring solar for the auxiliary parking lot and anticipated completing the design at the end of the upcoming fiscal year, with construction to occur in 2023/24, and with the Senior Center Modernization to begin as soon as the fiscal year ended. The auxiliary parking lot required more design work whereas the maintenance items for the Senior Center Modernization could be done quicker.

Mr. Mishra added that the estimates for the Senior Center Modernization included items that were a priority to be budgeted for this fiscal year and once work started more funds may be necessary to provide upgrades for the interior. He further clarified the Energy Audit included the assessment of City facilities and the assessment of the Senior Center would determine the possibility of adding solar panels to the roof of the Senior Center. The design for the auxiliary parking lot would be solar ready to provide for solar in the future.

City Manager Murray confirmed the City Council may appropriate funding as a placeholder or policy statement for solar shade/canopy structures in the Senior Center Auxiliary Parking lot and staff could provide a planning level estimate. When the estimate returned, the appropriation may need to be changed and Public Works Director Mishra confirmed he could provide a ballpark estimate at the next City Council meeting if the City Council decided to set aside some funds.

The history of Project #PA2201, Pocket Park – Galbreth Avenue was also provided by City Manager Murray who explained that two benches had been placed in City unmaintained open space, were not permitted or installed by the City, one or both of the benches may have been removed due to a vehicle collision and staff had a conversation about how to make them formal City capital assets. He added that unmaintained open space had certain legal limitations on the City's legal liability for the users of that open space and if the City installed a capital improvement, it would change the nature of the open space and create an obligation. As a result, staff could carve out a small portion of the open space, call it a park, install two benches for a pocket park (only the platform to house the two benches), with the remainder to be unmaintained open space.

Public Works Director Mishra stated a trash capture was not planned for the area at this time, although a trash can could be considered. If feasible, a trash capture device could be considered for the Senior Center auxiliary parking lot. He clarified the process to be used for road repavement projects and commented that solar roads had been tried in some European countries but he had not seen the method used in the United States. Staff could explore the conceptual costs of solar roads and solar carports as options to the status quo with a memorandum to the City Council.

Ms. Kaur also clarified the placeholder costs for slurry seal projects.

City Manager Murray commented that would be part of the conditions assessment studies which were underway for one-time projects like broadband and recycled water. While it related to the

capital infrastructure, it could be a special project as part of the regular operating and maintenance budget, but would not qualify as a capital project, different from the list of infrastructure projects.

Public Works Director Mishra defined a capital project as one that required outside consultants who had the skillset beyond what staff had the experience to provide. Anything above \$100,000 was typically identified as a capital project.

City Manager Murray reiterated in response to the Mayor Pro Tem that when moving further into the design work for the Senior Center auxiliary parking lot, they could discuss options such as solar carports, as an example. As to road treatment methods, rather than integrate in the residential road rehabilitation having it be a distinct item as part of the operation and capital budget discussion was preferred.

With respect to the status of unfunded capital projects and next steps, Public Works Director Mishra explained why each of the projects had been included in the unfunded capital project list and City Manager Murray described the City's practice for placing projects on the Unfunded Project List due to more recent and larger investments by the government related to the pandemic, and since the City Council wanted a go-to list of nice-to-have future capital projects ready for potential funding, which was the reason for the Unfunded Project List. He reiterated the best action the City Council could take would be to approve the two staff positions; Associate Engineer and Public Works Specialist, as identified, which were not General Fund supported, would be funded from special funds, and which positions would work to get the CIP projects done and help to flush out some of the unfunded projects. He emphasized that if the two new positions were not approved by the City Council, the CIP would have to be pared back.

In response to a prior request from Council member Martinez-Rubin for more information on the renovation of the Faria House, City Manager Murray provided the background to the City's hiring of an architect to do some design work and who had provided findings to the City Council in 2021. Ultimately, the City Council had not appropriated funding for the work the architect had recommended and City staff had recommended earlier this calendar year a different approach as to the use of the Faria House, via a community engagement process and dialogue, but again the City Council had decided not to move forward. City staff had worked internally to generate information on the cost of renovation for different uses. Staff had estimated it would cost around \$500,000 to renovate the Faria House for an office use without making any major changes to the layout and not including an elevator, with an estimated \$750,000 for a residential use. The more complicated the layout the more costly the renovation. The Faria House could be incorporated into the budget discussion but the CIP was a plan and the City Council may take action to include funding for the Faria House Renovation or the City Council could appropriate funding and take that action at any time of the year for any allowable use.

Council member Martinez-Rubin wanted to see documented progress on the matter of the Faria House and include some of the energy related work that was favored by the City Council so that it eventually returned some yield and offset costs related to its use. She asked the City Council to consider this opportunity. She asked that the renovation of the Faria House be programmed somehow as a placeholder and document interest from the City Council to somehow make use of the building.

Council member Toms wanted to see the housing development funds in the Growth Impact Fund be programmed for such projects as the Skate Park Rehabilitation, the exterior of the Faria House,

or the heritage park at the rear of the property. There were a number of park related items on the Unfunded Project List and staff should look at which were the highest priority. Also, adding the trash can for the pocket park on Galbreth Avenue and the solar canopies design alternative on the parking lot may have already been approved but should be included as well.

In response to Council member Tave as to whether the City had the funds for all of the unfunded projects, City Manager Murray explained that the City had the funds for some of the park related projects due to the substantial fund balance as a result of the development of new projects; however, it was not feasible for City staff even with the additional two new positions to complete the new list of projects being recommended along with other projects. The City Council would have to have a discussion and make a decision on what projects may have to be displaced.

City Manager Murray reiterated the City was going through a Parks Master Plan Update and it made sense for any park projects not already programmed to be considered in whatever was being recommended as part of that update effort. There had already been additions to the CIP list based on feedback from park users with some improvements to be made, and it made sense to wait for the Parks Master Plan. The Faria House was different, while potentially a recreational and cultural use adjacent to a park, it was different from park funding and the City Council could make a decision on the Faria House separate from the Parks Master Plan. Staff could be asked to return with some additional information on projects and allow time to assemble the costs and staff time commitment, and the City Council could then decide on the trade-offs.

Council member Martinez-Rubin offered a motion to approve the staff recommendations for the Preliminary Proposed Fiscal Year (FY) 2022/23 Through 2026/27 Five-Year Capital Improvement Plan, and in addition direct staff to bring back information about potential new additional projects as discussed, to help the City Council identify next steps and identify impacts to the identified projects.

Council member Tave commented that he had a list of projects he would like to see approved, and the City Council had discussed a future agenda item to prioritize projects, which effort in the past had resulted in a lengthy late night meeting. He suggested the City Council move forward to what it had and then commit to the conversation of prioritization.

Council member Martinez-Rubin restated her motion, seconded by Council member Tave to approve the staff recommendations for the Preliminary Proposed Fiscal Year (FY) 2022/23 Through 2026/27 Five-Year Capital Improvement Plan,

ACTION: Motion by Council members Martinez-Rubin/Tave to approve the Staff Recommendations for the Preliminary Proposed Fiscal Year (FY) 2022/23 Through 2026/27 Five-Year Capital Improvement Plan.

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

Council member Martinez-Rubin asked staff to return with additional information on the projects mentioned which could be added to the CIP for City Council consideration.

City Attorney Casher confirmed the motion was valid and fell within how the item had been agendaized.

Council member Martinez-Rubin and Council member Toms stated the projects staff should return with more information should include the renovation of the Faria House, funding for the Growth Impact Fund to be incorporated, canopies to incorporate solar for the Senior Center auxiliary parking lot and a trash can for the Galbreth Avenue pocket park.

Mayor Salimi stated due to the proximity of his business he could not vote on the Faria House but could vote on the remaining items and City Attorney Casher recommended segmenting the Faria House from the other items to allow the Mayor to abstain from that decision.

As to whether a Special City Council meeting should be discussed to prioritize the CIP projects, which Council member Tave reiterated he had requested as a future agenda item, City Manager Murray confirmed that could be considered but he had not recalled it as a request for a future agenda item. He clarified that the broadband and recycled water assessment projects would be moving forward in fiscal year 2022/23 but had not been listed in the CIP since they were not yet CIP projects. He recalled there had been a future agenda item request on how to prioritize agenda items, but not CIP projects or other special projects. He recommended City staff return to the City Council with information on the parking lot canopies, trash can at Galbreth Avenue, and ideas about budgeting for the Growth Impact Fund and information he provided on the Faria House, when the CIP was next presented to the City Council to allow staff to consider the feasibility or trade-offs and incorporate those into projects that may have to be displaced.

ACTION: Motion by Council members Martinez-Rubin/Toms to direct staff to return with information on the auxiliary parking lot solar carport, trash can at Galbreth Avenue, pocket park and consider budgeting for the Growth Impact Fund fees.

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

ACTION: Motion by Council members Martinez-Rubin/Toms to direct staff to return with information related to cost estimates for the next steps related to the renovation of the Faria House along with potential funding sources.

| | | |
|--------------|-----------------|-------------------------------------|
| Vote: | Passed | 3-1-1 |
| | Ayes: | Murphy, Martinez-Rubin, Toms |
| | Noes: | Tave |
| | Abstain: | Salimi |
| | Absent: | None |

- B. Resolution Approving an Updated Agreement with Contra Costa County Animal Services Department [Action: Adopt Resolution per Staff Recommendation (Murray)]**

City Manager Murray presented the staff report and recommended the City Council adopt the resolution contained in Attachment A to the staff report authorizing the City Manager to execute an updated agreement with the Contra Costa County Animal Services Department ("Animal Services").

Contra Costa County Animal Services (CCAS) Director Beth Ward provided a PowerPoint presentation with an overview of the CCAS including field services, shelter operations, medical services and administration and community services. The top activities CCAS had responded to in the City of Pinole for 2021 were highlighted as well as the history of the CCAS Agreement and the Updated Agreement that provided much greater detail regarding service levels. The details of the Agreement Fee Structure were also provided.

Public comments received during the March 15, 2022 Pinole City Council meeting that had raised a number of concerns with the Agreement were also highlighted with responses to each concern as well as an explanation of the reason the Pinole Animal Shelter had been closed by the County in 2020, a result of the pandemic, although CCAS would continue to provide its services to West County residents through current practices, mobile events, and strategic partnerships.

CCAS Director Ward reported that field response times had not been affected because Animal Services Officers had always been dispatched from their Martinez facility. An overview of the Agreement history was provided with all information contained in the staff report as part of the agenda packet. In terms of the next steps, CCAS would need to assess the service needs of the community and the CCAS' capacity for care, consider amending the current Service Agreement to desired service levels while meeting state and local mandates, evaluate the current fee plan for the cities and create a sustainable plan.

PUBLIC COMMENTS OPENED

Tony Vossbrink, Pinole, provided the background on tax increases for animal services and spoke to what was to be the temporary closure of the Pinole Animal Shelter due to the pandemic, although there had been no notification to the public other than the posting of signage on the building which signage remained on the building. No information had been provided to West County residents that the closure would be permanent. He commented on the number of rumors in the community of why the shelter had been closed, questioned the services that would be provided to West County/Pinole residents, and suggested the CCAS should hold to the old contract and the City should wait to see how the CCAS performed, not the other way around. He urged the City Council not to approve the contract.

Irma Ruport, Pinole, also questioned the lack of public notification to Pinole residents about the closure of the Pinole Animal Shelter. She suggested the public should be provided more information, reported there was a petition currently on NextDoor with over 1,000 signatures from people who had questions in need of answering, and asked the City Council to continue the item to the next City Council meeting to allow questions to be answered since the Agreement did not have to be approved until July. She opposed the permanent closure of the Pinole Animal Shelter in West County, and while something may open in the future, she understood the shelter building was currently for sale. She again asked the City Council to continue the item.

PUBLIC COMMENTS CLOSED

In response to Council member Toms, CCAS Director Ward responded to concerns raised by the public, particularly whether certain services had been included in the Agreement. She confirmed the Animal Rights Coalition was correct that there were critical shelter services but they had never been outlined in the City/County Agreements and were not mandated by state, local laws or ordinances and were not supported by any fees other than license and service fees, supplemented by the General Fund and on occasion through grants and donations by the public. She detailed the services and programs that had been developed over time in animal shelter history supported by donations from the public or funds for services provided but again not mandated by the state for cities to provide, and not included in the Service Agreement as part of the fee structure unless the cities wanted to provide the CCAS the funds to make the services more robust. The only service that had been changed was picking up sick and injured wildlife.

CCAS was working with 18 cities in Contra Costa County on the Agreement including the unincorporated areas of the County. Between now and the end of June, the Agreement was being presented to local City Councils but was not required to go before the County Board of Supervisors (BOS) for approval. If the City of Pinole did not approve the Agreement a custom Agreement was not under consideration but it was possible there could be some level of some service increases that could be folded into the next Agreement. The Agreement must be consistent for all 18 jurisdictions. She explained that the Agreement was an opportunity to provide the best level of service possible to residents and working together to find solutions. The performance standards in the Agreement and a reconciliation report related to cost effectiveness was also clarified. The Agreement may be terminated by any party at any time. Built into the Agreement was an opportunity in the fall of each year for feedback to be gathered from residents, City Managers and Police Chiefs, with a discussion of whether the Agreement was or was not working for each community. She stated that these performance metrics had not been included in prior agreements.

Council member Martinez-Rubin suggested at the time of discussion on the performance of the Agreement, the variability that may occur with each city be considered. She commented that of the services provided, she was surprised with the lack of spay and neutering, and although the County was not mandated to provide those services she asked whether the County would share its resources to provide spay and neutering services.

CCAS Director Ward recognized that spay and neutering was a key service to help reduce pet overpopulation, was a challenge, and was not always affordable for many. The County wanted to provide low-cost affordable and accessible services but there were challenges in the veterinary world at this time, with many veterinarians retiring or leaving the industry due to the challenges of the industry. There was also a high suicide rate and fewer veterinarian graduates. CCAS was committed to helping to make spay and neutering available and in the budget for this fiscal year 2022/23, and a request had been made to increase the County General Fund to allow the County to expand some of its spay and neutering services. She reported that \$300,000 had been approved for fiscal year 2022/23 to add staffing to expand the number of services to the public.

CCAS Director Ward added, when asked by Council member Martinez-Rubin, that the CCAS did not collect data on income levels and/or ethnic backgrounds. The CCAS provided services to any Contra Costa County resident who requested service.

Council member Martinez-Rubin suggested it would be helpful to have a profile of those people who accessed CCAS services and as part of the pilot project that information should be collected. She otherwise looked forward to the development of the Agreement.

Mayor Pro Tem Murphy commented he had benefitted from the services provided by the CCAS, appreciated the CCAS staff openness and professionalism, and thanked Director Ward for being the leader of the Department. He asked why the CCAS had not requested Measure X funding.

CCAS Director Ward explained that the CCAS had not been permitted to request Measure X funding since the Animal Services Department had not met the requirements for Measure X funds. Measure X funds that had been granted were mostly around mental health services. While the situation may change in the future, and the BOS may change some of its requirements, CCAS was always looking at ways to build on the services that could be provided to County residents. If cities wanted to have spay and neuter programs, she was open to having those discussions but as a general rule, the city's fees did not incorporate those types of programs.

Mayor Pro Tem Murphy was disappointed on what was perceived as additional taxes on top of the taxes that voters had just approved, which could have been prevented.

Mayor Salimi stated that Pinole was a friend and partner with the County and he supported a long-term relationship with the County and working with each other.

Council member Martinez-Rubin asked about the status of mobile clinics which she suggested may help to remedy the perception that services were not there since the physical location of the Pinole Animal Shelter had been closed.

CCAS Director Ward stated the Pinole Animal Shelter building was currently in negotiation with a non-profit that would provide a service that would benefit animals and owners in West County and all of Contra Costa County but she could not speak to the details at this time. Mobile services had been challenged by COVID-19 since the mobile vans required a minimum of three people to provide services but CCAS was pushing the limits to consider opportunities to provide those services and in working with its community partners getting mobile units available to visit West County.

CCAS Director Ward explained that the BOS had also recently discussed future land use and had identified future consideration of West and East County Shelters but no framework had been identified other than the fact it was a recognized need for the County. She emphasized the new Agreement codified everything that was being done in the old agreement, included performance metrics and allowed the CCAS to have a discussion as to how to improve services moving into the future. She hoped the City Council would consider approving the Agreement and allow the Agreement to move forward to the next level. She reiterated the Agreement could be terminated at any time by any party. CCAS looked forward to continue working with its community partners, City staff and being part of the City of Pinole.

ACTION: Motion by Council members Martinez-Rubin/Toms to adopt a Resolution Approving an Updated Agreement with Contra Costa County Animal Services Department, as presented.

Vote: Passed 5-0

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

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

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

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

Cordell Hindler, Richmond, invited the City Council to the El Cerrito Chamber of Commerce Mixer on May 19, 2022 from 5:30 to 7:30 p.m. at the Berkley Country Club with tickets at \$40 per person. He also referred to the quarterly reports on the Consent Calendar and expressed concern with the amount shown for economic development given the potential costs to business owners who may want to locate a business in Pinole. He emphasized the importance for the Assistant to the City Manager position to be filled.

14. ADJOURNMENT to the Regular City Council Meeting of June 7, 2022 in Remembrance of Amber Swartz.

At 10:22 p.m., Mayor Salimi adjourned the meeting to the Regular City Council Meeting of June 7, 2022 in Remembrance of Amber Swartz.

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council:

