

**CITY COUNCIL MEETING  
MINUTES  
May 3, 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 Pro Tem Murphy called the Regular Meeting of the City Council to order at 5:01 p.m. and led the Pledge of Allegiance.

**2. LAND ACKNOWLEDGEMENT**

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

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

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

**A. COUNCILMEMBERS PRESENT**

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

**COUNCILMEMBERS ABSENT**

Vincent Salimi, Mayor

**B. STAFF PRESENT**

Andrew Murray, City Manager  
Heather Bell, City Clerk  
Eric Casher, City Attorney  
Markisha Guillory, Finance Director  
Sanjay Mishra, Public Works Director  
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on Thursday, April 28, 2022 at 4:00 p.m. with all legally required written notices. The agenda packet had been amended and reposted after the initial publishing to include the staff report for Item 12A and to reflect the Zoom-only meeting format. No written comments had been received in advance of the meeting.

Following an inquiry, 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.*

##### **A. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Gov. Code § 54957.6

Agency designated representatives: City Manager Murray, City Attorney Casher, and Human Services Director Shell

Employee Organization: All groups

Unrepresented employee: All employees

#### **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 6:01 p.m., Mayor Pro Tem Murphy reconvened the meeting into open session and announced there was no reportable action from the Closed Session.

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

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

Rafael Menis, Pinole, reported the rate of COVID-19 was increasing in the City of Pinole. He encouraged residents to take precautions and resume masking until the current spike passed. He also referenced the leak of a draft opinion from the United States Supreme Court on a case which may overturn Roe v. Wade, and while the case may not affect the City of Pinole which was regulated by separate state regulations, he asked the public to be aware of some of the content in the draft opinion which he read into the record along with additional information related to the draft opinion. In his opinion, if the draft opinion were to be adopted by the U.S. Supreme Court, it would make a mockery of the 9<sup>th</sup> and 14<sup>th</sup> Amendments of the United States Constitution. He urged residents of Pinole and all individuals to express their distress over the possible dismantling of current pregnancy rights and he questioned some of the information and cases cited in the draft opinion to support overturning Roe v. Wade.

Debbie Long, Pinole, reported that Carol Sherman, a Pinole resident, had asked her to share with the City Council the following information. In 1985, Ms. Sherman's grandmother had been raped and murdered in the City of Richmond with the suspect having eventually been found, tried, and sentenced to San Quentin Prison's Death Row. In 2019, the current District Attorney for Contra Costa County Diana Becton negotiated a plea deal for his release without notifying the family with the exception of an uncle suffering from dementia who did not understand the call.

Ms. Long emphasized that the suspect was now walking amongst the community, and it was unknown how many others with a history of crime joined him. She commented on the increase in crime in the community and the fact that many crimes were not reported, the Police Department did not always take a report, and she suggested it was because the current District Attorney did not follow policies. She emphasized the need to send a strong message that residents wanted a safe environment to live and raise families.

Irma Ruport, Pinole, asked the City Council to consider current conditions including inflation and increasing costs for all goods and services and the fact that three Councilmembers would be up for re-election with Councilmembers' legacies based on what was left behind. She expressed concern for a number of issues including the poor condition of the Pinole Senior Center and the upcoming County Animal Services contract which should be identified as priorities in the budget. She urged the City Council not to waste taxpayer money on projects that benefitted Council members and that the Council should not waste staff time with special interest projects that had been tabled.

## **7. REPORTS & COMMUNICATIONS**

### **A. Mayor Report**

#### **1. Announcements**

None

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

None

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

Mayor Pro Tem Murphy reported he had joined the Marin Clean Energy (MCE) Legal and Policy Team to lobby in Washington D.C. to support a number of initiatives and programs in Contra Costa County and the City of Pinole. He briefed the City Council on those efforts and encouraged anyone from the City Council or the public to email him with any questions. He also reported that an MCE Technical Committee meeting had been scheduled for May 5, 2022 at 8:00 a.m. with information on the MCE website; and invited everyone to his monthly coffee and conversation scheduled for Sunday, May 16 at 9:00 a.m. at East Bay Coffee.

Mayor Pro Tem Murphy thanked those members of the community who had raised concerns about what had been perceived as a national decision. He reassured everyone that he would continue to work relentlessly to safeguard the right to safe and legal abortions in the State of California and that the City of Pinole would continue to be a place where women could exercise their reproductive freedom in a safe environment.

Council member Toms reported she had attended the League of California Cities Housing Community and Economic Development Policy Committee with a discussion of Assembly Bill (AB) 2053, The Social Housing Act and AB 2295, Local educational agencies housing development projects, and the Industrial Association of Contra Costa County Forum on workforce development. She briefed the City Council on all discussions.

Council member Martinez-Rubin reported she had attended a West Contra Costa Transportation Advisory Committee (WCCTAC) meeting and briefed the City Council on the discussions and actions taken; the Industrial Association of Contra Costa County Forum on workforce development; and had chaired the League of California Cities Revenue and Taxation Policy Committee and briefed the City Council on the presentation of informational items. She too encouraged everyone to continue to wear masks given the current increase in COVID-19 cases.

Council member Tave reported he had attended the Governance, Transparency and Liberal Relations Committee meeting and briefed the City Council on the discussions of Senate Bill (SB) 1328, prohibited investments and contracts with Russia and Belarus, and SB 73 and would forward information to the City Clerk given impacts to employee pensions. He too had been troubled by the draft opinion from the U.S. Supreme Court and encouraged all citizens to do their homework given the direct impacts to all citizens and to advocate appropriately. He also urged residents to mask up and be mindful of COVID-19 symptoms and quarantine when necessary.

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

There were no Council requests for future agenda items.

#### PUBLIC COMMENTS OPENED

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

Irma Ruport, Pinole, inquired of the status of a prior future agenda item request for a presentation of the contract from Contra Costa County Animal Services. She asked that Administrator Beth Ward and Supervisor John Gioia be invited to participate in any presentation given concerns with the contract.

City Manager Andrew Murray reported the County Animal Services contract had been scheduled for the May 17, 2022 City Council meeting.

Rafael Menis, Pinole, inquired of the status of a proclamation for Ukraine and City Manager Murray reported the proclamation had also been scheduled for the May 17 City Council meeting.

#### PUBLIC COMMENTS CLOSED

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

City Manager Murray provided a preview of potential agenda items for the May 17, 2022 City Council meeting.

#### F. City Attorney Report

City Attorney Casher reported the Municipal Code Update Subcommittee would meet on May 9, 2022 to discuss updates to the Pinole Municipal Code (PMC) related to code enforcement matters and an update to the City's Code of Ethics.

City Attorney Casher also reported he would be attending the upcoming California Cities City Attorneys Conference with Assistant City Attorney Alex Mog to co-present on new housing laws while he would lead a Town Hall discussion on diversity, equity and inclusion.

Mayor Pro Tem Murphy declared a recess at 6:39 p.m. The City Council meeting reconvened at 6:41 p.m. with all Councilmembers and staff present with the exception of Mayor Salimi who was absent.

## **8. RECOGNITIONS / PRESENTATIONS / COMMUNITY ANNOUNCEMENTS**

### **A. Proclamations**

#### **1. Public Service Employee Recognition Week**

The City Council read into the record a proclamation recognizing Public Service Employee Recognition Week.

#### **PUBLIC COMMENTS OPENED**

Cordell Hindler, Richmond, acknowledged the hard work of the City's Public Services employees, particularly police and fire services personnel.

Rafael Menis, Pinole, echoed the comments from the language in the proclamation and particularly commended Council member Toms as a member of municipal staff for Contra Costa County. He also thanked and recognized police, fire and all other City Departments/staff for all of the important work and services provided to the community.

#### **PUBLIC COMMENTS CLOSED**

#### **2. Municipal Clerks Week**

The City Council read into the record a proclamation recognizing Municipal Clerks Week and in particular the work of City Clerk Bell, Deputy City Clerk Stone and the City Clerk's Department.

#### **PUBLIC COMMENTS OPENED**

Cordell Hindler, Richmond, appreciated all the work of the City Clerk and the Deputy City Clerk.

Rafael Menis, Pinole, also thanked City Clerk Bell and Deputy City Clerk Stone for accommodating all of his comments in-person and in the hybrid format, and echoed the City Council's praise for their work for both virtual and hybrid meeting formats and all activities associated with the Clerk Clerk's Department. He emphasized the importance of having a clear line of communication between residents and City government and having a record of the past to maintain institutional knowledge.

#### **PUBLIC COMMENTS CLOSED**

### **B. Presentations / Recognitions**

## 1. Presentation by Greenbelt Alliance on Resilience Playbook

Public Works Director Sanjay Mishra introduced and described the background of the Greenbelt Alliance team who would be providing a presentation on the Greenbelt Alliance Resilience Playbook, a comprehensive guide to accelerating equitable adaptation to the climate crisis in the Bay Area which had brought together curated strategies, recommendations and tools to support local decision makers and community leaders. The Greenbelt Alliance was a 60-year old non-profit that sought to educate, advocate and collaborate with the Bay Area's lands and communities to make it resilient to the changing climate.

Berna Idriz, Climate & Equity Associate and Karen Rosenberg Resilient Associate, Greenbelt Alliance, provided a PowerPoint presentation of the Greenbelt Alliance Resilience Playbook as earlier described, which included an overview of the Greenbelt Alliance Approach; use of natural and working lands through equitable nature-based solutions; incorporation of climate justice principles and prioritization of vulnerable communities; advocacy for climate SMART (sustainable, mixed, affordable, resilient, transit-oriented housing as equitable climate strategy). Examples were offered of protected open spaces and the challenges due to the climate and housing crises, poor land use decision making, governance issues and funding needs. The intent was to create a tool to bring public policymakers, planners and other stakeholders together to establish a common understanding of the climate challenges and opportunities as outlined in the Greenbelt Alliance Resilience Playbook.

The Resilience Playbook could be used by anyone involved in the planning process to incorporate climate policies into local planning processes such as the General Plan, Climate Action Plan (CAP) or Local Hazard Mitigation Plan (LHMP). The five chapters of the Playbook and example policies that could be used for future planning and General Plan Updates were highlighted. More information on how to navigate the Playbook, provide input and other information on policies and strategies was available on the Greenbelt Alliance website. The Greenbelt Alliance looked forward to collaborating with the City of Pinole on the potential use of its Resilience Playbook.

Responding to the City Council, Ms. Idriz also provided an overview of the Hidden Heroes Program, an annual fundraising gala that sought to give recognition to those who worked in local government. More information was available on the Greenbelt Alliance website where nominations of any hard working City staff could be presented.

### PUBLIC COMMENTS OPENED

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

### PUBLIC COMMENTS CLOSED

Mayor Pro Tem Murphy thanked the Greenbelt Alliance for the presentation and asked that they see the City of Pinole as a partner in future endeavors to address the climate crisis.

## 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 19, 2022 Meeting.
- B. Receive the April 16, 2022 – April 29, 2022 List of Warrants in the Amount of \$1,357,245.53, the April 22, 2022 Payroll in the Amount of \$212,426.75 (Special PD Settlements) and the April 29, 2022 Payroll in the Amount of \$457,906.98.
- C. Resolution Continuing Authorized Remote Teleconference Meetings Pursuant to AB 361 **[Action: Adopt Resolution per Staff Recommendation (Casher)]**
- D. Resolution Authorizing the City Manager to Execute Agreements for Sustainability Initiatives with Rincon Consultants and Strategic Energy Innovations (SEI) and Appropriating Funding **[Adopt Resolution per Staff Recommendation (Whalen)]**
- E. Third Quarter CIP Update **[Action: Receive and File Report (Mishra)]**
- F. Receive the Quarterly Report in Implementation of the Greenhouse Gas Inventory and Climate Action Plan for Fiscal Year (FY) 2021/22 Third Quarter **[Action: Receive and File Report (Whalen)]**
- G. Receive the Quarterly Report on Implementation of the Strategic Plan for Fiscal Year (FY) 2021/22 Third Quarter **[Action: Receive and File Report (Murray)]**
- H. Ordinance Adopting a Military Equipment Use Policy and Adding Chapter 2.60 to the Pinole Municipal Code in Compliance with AB 481 **[Action: Waive Second Reading and Adopt Ordinance per Staff Recommendation (Casher)]**

Mayor Pro Tem Murphy asked that Item 9H be pulled from the Consent Calendar and voted on separately from the remaining Consent Calendar items.

#### PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, referenced Item 9D, Page 51 of the unrevised meeting agenda and asked whether the Greenhouse Gas (GHG) inventory had been completed or was ongoing; with respect to Page 56 for the same item and the reference to CAPDash, a tool that provided options for integration of visual depiction of progress made towards the CAP and reduction of GHG as a means of reporting and monitoring success of the Plan over time was a great idea for the public; and Page 57 referenced the project budget costs but he asked for more information on the anticipated translation costs as shown.

#### PUBLIC COMMENTS CLOSED

City Manager Murray explained that the GHG inventory had been completed and included the community and City operations inventory which information would be incorporated into the CAP. City Manager Murray agreed that the CAPDash tool would be a great tool to illustrate progress on the CAP projects. In terms of the budget recommended for miscellaneous engagement

translation, staff had not entirely determined all of the details of the community engagement and communication process and was working with a dedicated translator able to translate City communications in different languages. The intent was to have a pool of money available to be nimble in doing more translation and engagement as the need arose. More information could be provided to the City Council, as needed, when the Community Development Director returned to the office.

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

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

- H.       Ordinance Adopting a Military Equipment Use Policy and Adding Chapter 2.60 to the Pinole Municipal Code in Compliance with AB 481 **[Action: Waive Second Reading and Adopt Ordinance per Staff Recommendation (Casher)]**

**ACTION: Motion by Council members Toms/Martinez-Rubin to waive the Second Reading and Adopt an Ordinance Adopting a Military Equipment Use Policy and Adding Chapter 2.60 to the Pinole Municipal Code in Compliance with AB 481.**

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

## **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**

None

## **12. NEW BUSINESS**

- A.       Preliminary Proposed Fiscal Year (FY) 2022/23 Operating and Capital Budget **[Discuss and Provide Direction (Guillory)]**

Finance Director Guillory provided a PowerPoint presentation of the City of Pinole Preliminary Proposed Fiscal Year (FY) 2022/23 Operating and Capital Budget, which included an overview



of key dates for action for the Operating and Capital Budget, Long-Term Financial Plan (LTFP) and Five-Year Capital Improvement Plan (CIP); preliminary proposed budget key points related to revenues and expenditures and included the use of fund balances in several funds primarily for capital project carry forwards and one-time initiatives.

The City Council was asked to consider vacancy savings, with staff recommending 5 percent of salary/wages as a savings factor equating to approximately \$100,000. The City of Pinole averaged approximately 6 percent in salary savings annually over the last three fiscal years, with 5 percent a common practice amongst public agencies and which aligned with U.S. Bureau of Labor statistics that had shown an average of 5.5 percent vacancy rate for the period of March 2021 to March 2022. Staff also recommended the American Rescue Plan Act (ARPA) funds be used to backfill loss of revenue for general purpose activities, an acceptable use of ARPA funds. If ARPA funds were used for revenue loss, there would still be a reporting requirement with an accounting mechanism in place to identify how the City spent its ARPA funds.

The FY 2022/23 Budget Assumptions – Revenues and Expenditures; Revised Baseline Budget; FY 2022/23 General Fund Preliminary Proposed Budget; and All Funds Budget Summary were all highlighted. As part of the next steps, staff would refine the budget and prepare the next version, with the Revised Proposed LTFP for FY 2022/23 to FY 2026/27 to be presented to the City Council at its May 17 meeting. The revised Proposed FY 2022/23 Operating and Capital Budget and Five-Year CIP would be presented to the City Council on June 7, 2022.

Finance Director Guillory recommended the City Council review this version of the Preliminary Proposed Fiscal Year (FY) 2022/23 Operating and Capital Budget and provide direction to staff on any changes to incorporate into the next draft of the document, the Revised Proposed version to be presented to the City Council on June 7, 2022.

Responding to the Council, Finance Director Guillory clarified that Page 33 of the budget document included a detailed financial summary and the table shown had included the FY 2021/22 Projected Year-end for June 30, 2022, with the fund balance shown at \$9.7 million and with the projected reserves to reflect the increase in ongoing costs. An in-depth analysis had been done for the revenues and expenditures for the end of the fiscal year and revenues had increased in 2021 while expenditures had decreased at the same point. The expenditure amounts proposed for 2022/23 were again highlighted.

City Manager Murray explained in an attempt to provide more clarity why for this fiscal year the City was ending up with more fund balance than originally anticipated since more of the one-time projects were expected to get done. If the projects were not done, the money remained unspent and produced a higher fund balance. He noted the City Council had requested at its last meeting that staff provide some analysis of costs and benefits of some new ideas. He added that the General Reserve Policy stated that anytime ongoing expenditures increased a contribution must be made to the General Reserve such that it had an amount equivalent to 50 percent of ongoing General Fund expenditures.

As to whether the City could afford what had been proposed in the presented Preliminary Budget, Finance Director Guillory again referred to the figures contained in the table on Page 33 of the budget document.

City Manager Murray added that the City did not have a policy on appropriations limits. Every year the City Council adopted a resolution certifying that the City's budget was below the State

Constitutional Appropriations (Gann Limit), with the City's expenditures well below that limit. In addition, the remaining fund balance that would remain at the end of the next fiscal year for the General Fund including Measure S funds, did not include staff's recommendation that the City Council deposit the remaining ARPA funds into the General Fund. If that was done, it would increase the year-end General Fund balance for the next fiscal year.

As to the City policy for appropriations to the Pension Fund and the amount of debt, Finance Director Guillory explained that the only debt paid from the General Fund was the 2006 Pension Obligation Bonds. The City of Pinole was significantly below the debt capacity limit.

City Manager Murray detailed the legal debt limit for the City which reported on its financial statements. The City did not have a policy on the use of the Pension Trust but had a practice that followed City Council direction when the Trust had first been established, to use the assets from the Trust to keep the City's contribution towards employee retirement costs at the same level they were when the Trust had first been established. The proposed budget and the LTFP had shown the draw down on those assets.

Finance Director Guillory explained that the LTFP would be revised in the next version, acknowledged there was a significant increase in property tax revenue for FY 2023/24 which would cover a portion of the additional staffing proposed, and along with the appropriation savings would cover the increase in the Baseline Budget for increased positions. She clarified the budget was not balanced and was off by \$972,000.

City Manager Murray clarified that amounts were expected that would allow the City to balance out next year, there was still dust to settle in the next fiscal year and pending results of a Master Fee Schedule that could result in recommendations to increase some City fees and generate some revenue offsetting expenses. While there was uncertainty in the financial picture, the magnitude use of fund balance would not significantly change the financial future.

Finance Director Guillory further clarified that the Administrative Assistant as shown at \$69,000 in the table for FY 2022/23 General Fund Preliminary Proposed Budget was fully burdened and was the difference between a part- to full-time position.

The costs shown for fire increased allocation for weed abatement and fire fuel mitigation at \$50,000, and code enforcement weed abatement during fire season at \$27,000, line items in the same table, were clarified and City Manager Murray explained that code enforcement was for private property and the weed abatement was for public property. If there was a code enforcement violation, the City would receive a return but a lot of the work involved noticing and working with property owners to resolve code enforcement issues that were not fully recovered. Also, abasement of property at \$24,000 was another line item that required additional staff time to process but could produce some City recovered costs.

## **PUBLIC COMMENTS OPENED**

Rafael Menis, Pinole, asked for clarification in the staff report for Item 12A as compared to 12A Supplemental, specifically the calculations for the net surplus deficit for the Baseline Budget since the figures were different in each report.

Mr. Menis also spoke to the vacancy savings as new revenue ongoing, which had not been reflected in 12A Supplemental, and asked how it factored into past budgets for comparison

purposes. He found many of the budget projections had assumed there would not be a recession and he asked how a future recession would impact the City's ability to sustain new ongoing expenditures.

Cordell Hindler, Richmond, also requested clarification on the position vacancies and expressed concern the Assistant City Manager position remained unfilled. As to economic development retention, he referenced the number of vacancies in the City and while adding additional positions may sound good he was concerned and emphasized the need to retain existing employees.

Jeff Rubin, Pinole, President Pinole History Museum and Pinole Historical Society, spoke to the CIP and stated in 2019 the City Council had decided to subsidize the Pinole Library, which was part of the County Library system, at approximately \$150,000 annually. As part of that ongoing contract with payments made since 2019, with the exception of 2021 when the library had been closed, the City would pay the county \$750,000 by 2025 and more in ensuing years. Adding to that, the City spent \$356,000 in 2015 to build the Skate Park. He emphasized the total for those two projects was close to the architect's estimate to renovate the Faria House.

Mr. Rubin commented that some Council members had expressed concern with the Pinole History Museum's sustainability were it to be the leaseholder for the Faria House. He reported on the donor efforts as part of the Museum's Winter 2022 appeal along with unsolicited gifts in December 2021 and appeals in 2018, 2019, 2020, and 2022, where the Museum Board had raised enough funds to clearly establish the museum's ability to raise money and allay Council member's concerns about sustainability. The funds had been donated on a hope, a dream and a belief that the City Council would honor the intentions and commitments of previous City Councils dating back decades to renovate the Faria House for use as a community history museum.

Mr. Rubin suggested the City could take a big step by revitalizing the Old Town Business District by renovating a historic treasure and lease it to the Pinole History Museum. He hoped the City Council would take advantage of the opportunity.

Irma Rupert, Pinole, agreed that the Faria House was a promise that past City Council members and City administration had made to the Faria family and to the Pinole Historical Society, although decisions had been made in Closed Session and the public had not been included. She suggested the City was in trouble with inflation, high prices, and suggested a Go Fund Me program should be considered for the Faria House since the City could not fund the renovation of the building.

Ms. Rupert pointed out the Senior Center was in trouble, a fire station remained to be reopened and Animal Services had closed in Pinole. She questioned funding for one special group based on a past promise while Pinole taxpayers had not been included. She asked that the Faria House be placed on a future ballot. She had previously requested the financial records of the Pinole Historical Society from the City and had received no response. She suggested Pinole taxpayers should not bear the burden of the renovation of the Faria House and again asked that it be placed on a future ballot and that the City focus on public safety and necessities.

## **PUBLIC COMMENTS CLOSED**

Finance Director Guillory responded to the public comment and clarified the Preliminary Baseline Budget as compared to the staff report had shown a deficit of \$1.7 million versus \$1.5 million in

the PowerPoint presentation. The difference between the two was that two positions would be allocated between the General Fund and several non-General Funds, including the Public Works Specialist and Associate Civil Engineer. The staff report had shown both positions at 100 percent in the General Fund. Also \$510,000 in vacancy savings was again clarified and would be a credit to expenditures based on an assessment of year-end analysis of budget versus actuals and what remained from salary costs. Considering the 5 percent savings factor, as earlier described, the savings equated to about \$510,000.

City Manager Murray added the City had those expenditure savings due to vacancies and the intent was to make the budget more precise by recognizing that fact.

Finance Director Guillory also clarified that the LTFP had not considered the potential for a recession but had included a status quo forecast. Staff could work with the City's advisors if the City Council so directed to incorporate a different scenario that considered a possible recession.

City Manager Murray explained that the General Reserve was intended to address the possibility of a recession.

Council member Martinez-Rubin thanked staff for all of the information and looked forward to the next phase of the budget and the next meeting of the City Council.

City Manager Murray asked whether there were any items on the staff recommended additions to the budget the City Council was of the opinion should be removed, as outlined in the staff report and PowerPoint presentation.

Council member Toms cited the recommendations for Public Works Specialist and Associate Civil Engineer and expressed concern with ongoing recurring expenses. If there was an uncertainty that those costs could be afforded ongoing, she wanted staff to review consulting contracts. She understood the request for two additional Police Officers would also be an ongoing expense but recognized the need and the fact the City had difficulties with retention and she was therefore not opposed to keeping that on the list. As to the code enforcement items and abatements, she suggested there should be some return from the property owners for the City to bill for expenses so that taxpayers were not paying to clean a homeowner's property. She otherwise did not propose anything new to the budget pending the results of the numerous studies underway.

Council member Tave was uncomfortable spending one-time funds on recurring costs rather than one-time projects. He recognized that many projects had been rolled over and new staff was needed to complete some projects. He would be more comfortable with a balanced budget moving forward and commented that the City Council had discussed preparing a matrix to prioritize projects, which had not yet occurred. He asked when that discussion would occur.

City Manager Murray clarified this budget development process was that process but many projects were CIP projects running on a parallel process between the budget and the development of the CIP. As an example, the two Public Works Department positions recommended to be added were intended to facilitate CIP projects that were being carried forward/underway.

City Manager Murray did not see that the City Council needed to have a discussion to prioritize CIP projects since the intent was to get them all done. There were really no other special projects but one-time expenses.

Council member Tave expressed concern once studies had been completed that projects may be compounded which may take away from other projects planned from previous years, and City Manager Murray acknowledged that once the assessments and master plans had been completed new ideas could come forward with a potential reprioritization of CIP projects. General Fund and ongoing expenditures were responsive to the priorities of the community and the City Council and it was staff's aspiration to have a structurally balanced budget each year, but there was a need to be mindful of the unusual times due to the pandemic, code recovery, and the City trying to right size to meet community demands after being lean for so long.

City Manager Murray suggested it was prudent to have a budget where ongoing expenditures exceeded ongoing revenues for a one-year period, particularly if there was a high degree of confidence for increased revenue for the next year.

Council member Tave commented that the dip in revenue was anticipated but the City was still in a good place for increased services. He remained concerned moving forward with an unbalanced budget and the City Council may have to have discussions in the next fiscal year as to what the City may not be able to afford. He asked staff to go through the exercise of presenting a balanced budget as a comparison to what had been presented.

In response to the Mayor Pro Tem, City Attorney Casher confirmed that direction to staff should be reflected in a motion.

Council member Tave offered a motion and a subsequent clarified motion to direct staff to return with the current proposed budget and a balanced budget.

Council member Toms commented that if there was a balanced budget, the proposed additional expenditures that had been identified by staff would all go away, and City Manager Murray confirmed that was true but the information could be packaged in such a way that would make it clear what exactly would be in a balanced budget and in the Revised Proposed Budget.

**ACTION: Motion by Council member Tave/Mayor Pro Tem Murphy to direct staff to return with the current proposed budget and a balanced budget.**

<b>Vote:</b>	<b>Passed</b>	<b>3-1-1</b>
	<b>Ayes:</b>	<b>Murphy, Tave, Toms</b>
	<b>Noes:</b>	<b>Martinez-Rubin</b>
	<b>Abstain:</b>	<b>None</b>
	<b>Absent:</b>	<b>Salimi</b>

### **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 musical CROWNS at the Contra Costa Civic Theatre on May 6 and 7, 2022 at 7:30 p.m. Tickets were \$20 per person with proof of vaccination. He reported the Richmond City Council procedures allowed each Council member five minutes to speak and he suggested the Pinole City Council consider the same policy.

**14. ADJOURNMENT** to the Regular City Council Meeting of May 17, 2022 in Remembrance of Amber Swartz.

At 8:57 p.m., Mayor Pro Tem Murphy adjourned the meeting to the Regular City Council Meeting of May 7, 2022 in Remembrance of Amber Swartz.

**Submitted by:**



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

**Approved by City Council:**

