

**CITY COUNCIL MEETING  
MINUTES  
November 1, 2022**

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

The City Council Meeting was held in a hybrid format (in-person and via Zoom videoconference and broadcast) from the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Salimi called the Regular Meeting of the City Council to order at 5:00 p.m. and led the Pledge of Allegiance.

**2. LAND ACKNOWLEDGEMENT**

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

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

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

**A. COUNCILMEMBERS PRESENT**

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

**B. STAFF PRESENT**

Andrew Murray, City Manager  
Heather Bell, City Clerk  
Eric Casher, City Attorney  
Alex Mog, Assistant City Attorney  
Sanjay Mishra, Public Works Director  
Neil Gang, Chief of Police  
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, October 27, 2022 at 3:00 p.m. with all legally required written notices. Written comments were received in advance of the meeting, posted to the City website and distributed to the City Council and staff and made available in the Council Chambers.

Following an inquiry, Mayor Salimi and Council member Tave reported due to the proximity of their residences they would have a conflict of interest with Item 10A and would be required to recuse themselves from the discussion.

**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.*

**1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Gov. Code §54957

Title: City Manager

**2. CONFERENCE WITH LABOR NEGOTIATORS**

Gov. Code §54957.6

Agency designated representatives: Mary Egan, Municipal Resources Group

Unrepresented employee: City Manager

**PUBLIC COMMENTS OPENED**

City Clerk Bell reported there were no comments from the public.

**PUBLIC COMMENTS CLOSED**

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

At 6:38 p.m., Mayor Salimi reconvened the meeting into open session. 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, provided an update on COVID-19-related case statistics for the City of Pinole and encouraged people to continue to wear masks indoors at large gatherings. He also thanked Tony Vossbrink for meeting with him and going over concerns he had related to the Pinole Dog Park and a fire trail related to the dog park, which had a significant portion fail due to improper drainage and with a failure in the dog park itself leading to garbage the dog park had been built upon to remerge hazardous to humans and dogs. He reported he had reached out to City staff with images for possible remediation and staff had responded.

Mr. Menis also reminded everyone that November 8, 2022 was Election Day and he detailed the voting options available to registered voters, identified the City Council candidates including himself, described each candidate's qualifications and urged registered voters to vote.

City Clerk Bell identified a request to read a two-page letter from James Tillman, dated, November 1, 2022, into the record, which Deputy City Clerk Stone did at this time; however, Mr. Tillman was in the audience and addressed the City Council on some of the points in that letter along with a request for clarification of the number of Pinole Police Officers who had retired and left the City this year, how many were on-duty now, how many active Police Officers were doing shift work and how many shifts each Police Officer performed. He requested the consideration of more Police Officers in Pinole.

Mayor Salimi stated the City Council supported the Pinole Police Department and City staff would get back to Mr. Tillman with a response to his questions. He added that based on the statistics, the number of reported crimes in Pinole had consistently decreased over the past few years and Pinole was a safe City.

Jeff Rubin, Pinole, President of the Pinole Historical Society, reported the Pinole Historical Society had resumed in-person programs after the pandemic, with its first program in September. The Historical Society would host a presentation from the Contra Costa History Center on Friday, November 4, 2022 at the Pinole Sportsman's Club at 201 Pinon Avenue at 6:30 p.m., which would be free to all Pinole Historical Society members, their guests and the public. Volunteers from the History Center would highlight the vast research archives telling the story of the County's past with more information available at the Pinole Historical Society website [pinolehistoricalsociety.org](http://pinolehistoricalsociety.org) and at the History Center website at [cocohistory.org](http://cocohistory.org). In addition, the Annual Veteran's Day Memorial and Flag Retirement Ceremony would be held on Friday, November 11, 2022 at 11:00 a.m. in Fernandez Park with participation from the Pinole Valley High School marching band and choir and the community. Anyone with an American Flag could bring the flag to the event so that Boy Scout Troops 81 and 86, who would be present at the ceremony, could retire the flag with dignity.

Tony Vossbrink, Pinole, asked why the information to call into the meeting had not been provided to the public on the top and bottom banner of the Zoom screen to allow for public participation and a timer displayed. He otherwise reported on a number of street lights in the City which had been inoperable for almost a year; reported the Pinole Library parking lot lights had been repaired after months if not years of non-service; and the security camera at the Senior Center had been repaired but crime in Pinole continued to increase regardless of the statistics reported by the Mayor. He reported on a recent incident that involved a low flying helicopter with spot lights in his neighborhood, but nothing had been reported to the community. He also suggested the City should also post a reward to address the criminal activities occurring on Fitzgerald Drive, assign a special task force and consider a police station in that area.

Mayor Salimi asked technology staff to ensure that an identification number and telephone number was displayed on Zoom for public participation but noted that information had been posted on the City Council agendas.

Maria Alegria, Pinole, read into the record written comments she would provide to the City Clerk to be part of the public record. She referenced the Pinole Historical Society and the Pinole History Museum, which she suggested had engaged in political campaigning for three candidates for the Pinole City Council, including Council member Martinez-Rubin. She pointed out that Section 501 (c)(3) organizations were prohibited from directly or indirectly participating in or intervening in any political campaign on behalf of, or in opposition to any candidate for elected public office.

Ms. Alegria suggested Council member Martinez-Rubin's husband Jeff Rubin, President of the Pinole Historical Society, a non-profit organization, had violated this section by posting on both the Pinole History Museum and Pinole Historical Society Facebook pages to encourage the public to attend a Pinole City Council Forum on October 22, 2022 at Pinole Valley High School, and had also encouraged the public to vote for three candidates for the City Council while also disparaging another Council member for not voting for the renovation of the Faria House. Also, Council member Martinez-Rubin and her husband had made personal contributions to the Pinole Historical Society and Pinole History Museum of over \$15,000. She suggested Council member Martinez-Rubin had a conflict of interest related to decisions to support the renovation of the Faria House for the Pinole History Museum and she urged the City Council to reject any further discussions with the Pinole History Museum regarding its role in securing a lease agreement to have the museum at the Faria House.

City Attorney Eric Casher advised a question had been posed to him as the City Attorney regarding the City's role in enforcing what had been suggested in the comments. He stated it was not the City's position or had it ever been to enforce the tax exempt status of non-profits within the City of Pinole, which would apply for any organization within the City and which had been communicated to the member of the public who had posed the question.

Mayor Salimi modified the meeting agenda and moved to Item 8. Recognitions/Presentations/Community Announcements at this time.

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

### **A. Proclamations**

#### **1. Honoring St. Joseph's School – 75<sup>th</sup> Anniversary**

The City Council read into the record the proclamation honoring St. Joseph's Church's 75<sup>th</sup> Anniversary.

Mark Bryne, a member of the St. Joseph Parish for 35 years, explained that Father Geoffrey Baraan had been unable to attend given that he was on a tour of the Holy Land and he had been asked to accept on his behalf and on behalf of St. Joseph's Parish. He thanked the City Council for the recognition and looked forward to serving the community for years to come. He also commented that as a friend of Carol Lujan he wanted to be part of future plans to make Tennent Avenue safer for pedestrians.

**PUBLIC COMMENTS OPENED**

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

**PUBLIC COMMENTS CLOSED**

### **B. Presentations**

#### **1. Updates from the West Contra Costa County Unified School District (WCCUSD) - Superintendent Kenneth Chris Hurst**

Dr. Kenneth Chris Hurst, Sr. Ed.D, Superintendent, West Contra Costa County Unified School District (WCCUSD) introduced the WCCUSD Team including Trustee Area 1, Jamela Smith-Folds; Elizabeth Sanders, Director of Communications; LaResha Huffman, Chief Academic Officer; Michael Booker, Disaster Preparedness and Safety Consultant; and Dr. Robert McEntire, Chief Business Officer.

An extensive PowerPoint presentation was provided which included an overview of the background and experience of Dr. Hurst; the details for the WCCUSD Strategic Planning Process and next steps; highlights of the STAR Reading and Math State benchmarks by Primary Ethnicity, CSU and UC Systems Admission Rates 2021; UC System Admission Rates Over Time; Core Instructional Programming; Efforts to Improve Climate and Enrollment; Wrap-Around Services and Supports; COVID Safety, S.M.A.R.T.E.R Strategy; COVID Resources; Safety Resources; School Safety Tracker; Opportunities and Risks to Fiscal Condition; Budget Changes Since Adoption; Increased LCFF Funding Changes Assumptions; Changes to Revenues, Expenditures and Fund Balance 2022/23; and the Components of the Ending Fund Balance.

Jamela Smith-Folds was pleased to be the WCCUSD Trustee for Area 1 and identified all of the Pinole schools in the WCCUSD and their distinguished achievements. She stated that Pinole had great schools with a lot of student involvement.

#### **PUBLIC COMMENTS OPENED**

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

#### **PUBLIC COMMENTS CLOSED**

Mayor Pro Tem Murphy thanked Dr. Hurst for his achievements; reported he had attended one of the Strategic Planning meetings at Pinole Valley High School and was pleased with the interaction and engagement and hoped that information would be made available to the City so that it could be disseminated to the public. He also thanked the WCCUSD for allowing him to conduct a back to school tour of all Pinole schools on the occasion of the new school year and hear from the students on what they wanted such as more counselors, health centers at every school and before and after school program activities. He encouraged his fellow Council members to do the same back to school tour. He also wanted to see the City increase its partnership with the WCCUSD and amplify the needs of the students.

Mayor Pro Tem Murphy asked whether the WCCUSD owned land within the City of Pinole given there had been student interest in community gardens and he wanted to promote such activities at all schools in the City, and Dr. Hurst stated he would have to get back to the Mayor Pro Tem with information.

Mayor Pro Tem Murphy also spoke to the traffic issues around Pinole Middle School and West County Mandarin School and asked for an update, to which Michael Booker, Disaster Preparedness and Safety Consultant, explained that the WCCUSD had been in conversations with the City as to those traffic issues and the City had assisted with cones and police availability as needed,. The WCCUSD would continue to address some of the issues on a more permanent basis.

Public Works Director Sanjay Mishra reported he had worked directly with the school Principals to provide traffic cones and signs as temporary measures, with no left turn into the school facility, and with the red curbing and loading and unloading zones to be painted in front of the school along with permanent no left-turn signs. Staff was also working with a consultant to provide a permanent solution such as a crosswalk and other proposed changes in the area including a right-turn lane to Appian Way and widening the sidewalk, all of which would take some time. As part of next steps, the City would engage with the residents and business owners in the area when a final and permanent solution had been identified.

City Manager Andrew Murray reiterated the City had installed some short-term temporary improvements such as the traffic cones and no left-hand turn signs, and would paint the No Parking and loading and unloading zones, weather permitting. School stakeholders and City staff understood that permanent engineering solutions were needed. The City had a consultant on-board, promised to get back to the WCCUSD by the end of the calendar year with options such as a dedicated right-turn lane as one left Mann Drive onto Appian Way, permanent no left-turn signage into the parking lot, a raised and possible beacon crosswalk, along with permanent signage and possible engineering barriers to address U-turns onto Mann Drive along with the widening of the sidewalk on Mann Drive on the school site.

Mr. Booker advised that the WCCUSD had a few meetings with the community of Pinole Middle School and West County Mandarin School on the plans moving forward and the Principals of those schools had communicated with the school families about the traffic issues in those areas.

City Manager Murray emphasized the City followed the three E's of traffic safety; education, enforcement and engineering and he commended the WCCUSD for establishing expectations and communicating around the safety needs, with the City to design effective engineering solutions.

Mayor Pro Tem Murphy asked the status of any plans for student transportation and was informed by Dr. Robert McEntire, Chief Business Officer that the WCCUSD contracted out for all of its transportation services and regularly went out to bid and set the criteria for what they valued given the importance of being good stewards in the community.

Trustee Smith-Folds added that transportation was an equity issue with Area 1 busing students with special education needs in addition to students at West County Mandarin School who were also bused given a required transfer from one location to another. There was no district-wide transportation, but that was to be discussed as an equity barrier or uplifter through an environmental lens. Additionally, it was noted that some students in the WCCUSD used WestCAT and transportation was an issue the WCCUSD was aware of and needed to address.

Mayor Pro Tem Murphy thanked the WCCUSD Team for all of their work, and again spoke to his tour of Pinole schools, and was pleased Pinole was the only city in the State of California that addressed dual-Mandarin needs with West County Mandarin School. He added the school tracker in the PowerPoint presentation needed to be modified to identify Pinole schools, not unincorporated Contra Costa County. He again was interested in the feedback from the students and teachers and urged metrics be prepared on those issues to track the progress and improvements for students and teachers. He suggested the City would benefit from a stronger and strategic partnership with that information.

Council member Toms also thanked the WCCUSD Team for the presentation and reported she had participated in a recent tour of Pinole Valley High School with past alumni and the City should be proud of its achievements. She clarified with Mr. Booker the start and end times for Pinole Middle School and West County Mandarin School had been staggered with all options considered to mitigate the traffic situation and with the possible additional staggering of times for both schools.

Council member Toms found that WestCAT had been convenient for many middle school students and reminded everyone that the month of October had been free for WestCAT users and that should be promoted more in the future. She also highlighted with Dr. McEntire the current budget numbers and concerns raised by the County Office of Education with the continued risk to the WCCUSD negotiations.

Council member Tave thanked the WCCUSD Team for the presentation and asked whether or not there was a performance metric that identified below, at, and above-grade level students that could be monitored in-house. He reported he had been contacted about shuffling teachers at several schools and he asked for an update.

Dr. Hurst advised that the data requested could be made available on the WCCUSD website. A presentation would be made at the November 2, 2022 WCCUSD Board meeting on that same data. He highlighted the number of teachers who had resigned prior to the summer and the effort with job fairs to close that gap, although numerous vacancies remained and were being filled with long-term substitute teachers and peer teachers.

LaResha Huffman, Chief Academic Officer, detailed the staffing process the WCCUSD followed pursuant to contractual requirements and guidelines required to consolidate teachers.

Council member Tave also commented that in 2018/2019 there had been discussions about security on-campus and the removal of the School Resource Officers (SROs), which discussion had split the community. He asked whether there was any data available to show that criminal activities on-campus had decreased even with the removal of the SROs and was informed by Dr. Hurst that he and Mr. Booker had spoken with every Police Chief and City Council in the WCCUSD on what a positive relationship looked like between the WCCUSD and the cities and there had been a request for that information to be provided in writing. Once they had all that information the WCCUSD would engage the community on what that positive relationship looked like with feedback and guidance from the WCCUSD Board.

Mr. Booker reiterated the WCCUSD had been actively engaged for some time with the Police Chiefs in the WCCUSD, as discussed, with that information to be presented to each city and the WCCUSD Board; however, every city was different and they had to look at a non-cookie cutter approach and needed to get all information in an appropriate manner before moving forward.

Council member Tave sought time on the local level to have that conversation with the community. He also sought a metric of WCCUSD positions filled and vacant. He thanked the WCCUSD for its after school programs and thanked the WCCUSD Team and Trustee Smith-Folds for their leadership.

Council member Martinez-Rubin suggested safety was an area that needed attention and should complement whatever metric/data could be obtained. She referred specifically to the mass shooting at Uvalde, Texas which highlighted the importance of prevention.

Council member Martinez-Rubin supported public schools, found all of the programming that existed was of great value but emphasized that the safety of students and teachers required the prevention aspect of safety. Of the staff tracked, she asked about the top three issues over the past three years.

Mr. Booker explained that they look at the number of intruder incidents on the campuses, number of fights and number of weapons brought on campus, and address those issues moving forward. The WCCUSD had a collaborative relationship with the Pinole Police Department to make sure that any information deemed worthy of their knowledge would be provided to the Pinole PD. The statistics for 2018/2019 were not one way or another in terms of incidents on-campus or fights, and with the pandemic there was little data for that period and the WCCUSD was currently tracking some highlights from previous years.

Council member Martinez-Rubin sought an actual partnership with the WCCUSD to include the funding of SROs and along with those conversations and interactions between school staff and the community recommended ongoing discussions of the prevention aspects. She recognized that different systems needed to be at play and the intersection of those systems, education, justice and safety in schools must not ignore the prevention or escalations on-campus that occurred by students on-site or some other way. She also recognized that they lived along a corridor where there were crimes of opportunity and with the community bisected by I-80 had led to concerns for students and residents. She urged the WCCUSD to move quickly beyond the discussions and partner with other cities with what was already evidence on the value of SROs and if in the future the City could partner with funding that would be a great plus.

Trustee Smith-Folds explained that the WCCUSD listened to its stakeholders and one of the greatest stakeholders were the students who had been asked about safety. Many wanted the wrap-around services on-campus, such as a trusted adult on campus. Efforts had been made to instill in students that if they see something, say something and go to an adult or consider an anonymous tip line. Many incidents had been prevented in this way and campus security officers were the first line of defense for the students and could point them to the resources on campus, but as discussed students had identified greater needs. The one point of entry after the pandemic and having lanyards had increased safety and work was being done with consistency over time to allow the students to see the change they were looking for since the students were guiding this conversation.

Dr. Hurst acknowledged the comments from the City Council and the perspectives on emotional and physical safety, and advised as a Superintendent he must listen to stakeholders and the conversation around SROs was not an easy conversation. He stated the City Council's comments on SROs would be broached carefully with information brought to the WCCUSD Board but he did not have a timeline. He emphasized that physical, social and emotional safety was very important but there was no guarantee there would be SROs on-campus and that would depend on stakeholders, teachers and students.

Council member Martinez-Rubin further clarified with Ms. Huffman the data provided had included special education students but the data had not been segregated. She would ensure that information was available on the WCCUSD website.



Council member Martinez-Rubin, as a member of the WestCAT Board, updated the services provided to students of Pinole Valley High school and the integration of the students outside of the Pinole zip code, which had been made possible due to the WestCAT lines and which had continued through the pandemic. She thanked the WCCUSD Team for the presentation and looked forward to ongoing and future changes.

Mayor Salimi appreciated the work of the WCCUSD Team and the challenges they had faced for years. He added a large portion of taxes had been devoted to education, he supported education, and he pointed out the more successful the school district the greater the property values in a community.

The WCCUSD Team thanked the City Council which had been invited to participate in all WCCUSD public meetings, with all information available on the WCCUSD website.

#### **PUBLIC COMMENTS OPENED**

Rafael Menis, Pinole, stated he had been asked by Christy Lam-Julian to provide her comments. She had asked how much the WCCUSD had earmarked for the consultant cited for the guiding coalition and questioned the prudence of that expenditure given ongoing labor negotiations. As to Pinole Valley High School and the UC Admission Rates as shown in the PowerPoint presentation, he noted the admission rate for Pinole Valley School was one of the lowest for 2019, had spiked to around 80 percent in 2020 but had decreased in 2021 to 64 percent. He asked if that was a product of the pandemic or the applicant pool. Pursuant to the budget figures, he recognized that the cost for books and supplies had increased over the initial costs but stated that even with inflation those costs were remarkable and he requested clarification.

#### **PUBLIC COMMENTS CLOSED**

2. Update from the California Department of Insurance – (CDI) – Mary Beth Bykowsky

City Clerk Bell reported there had been a request to reschedule the presentation to a future meeting.

Mayor Salimi again modified the meeting agenda and moved on to the Consent Calendar.

#### **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 Special Meeting Minutes of October 10, 2022 and the Regular Meeting Minutes of October 18, 2022
- B. Receive the October 15, 2022 – October 28, 2022 List of Warrants in the Amount of \$861,471.37, and the October 28, 2022 Payroll in the Amount of \$545,125.51

- C. Resolution Authorizing the City of Pinole Membership in the CivicWell **[Action: Adopt Resolution per Staff Recommendation (Whalen)]**
- D. Adopt a Resolution Amending the Master Salary Schedule **[Action: Adopt Resolution per Staff Recommendation (Shell)]**
- E. Resolution Authorizing the City Manager to Execute a Legal Services Agreement with Sher Editing LLP Regarding PCB Litigation **[Action: Adopt Resolution per Staff Recommendation (Shell)]**

#### PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, supported the Consent Calendar, as is.

#### PUBLIC COMMENTS CLOSED

**ACTION: Motion by Mayor Pro Tem Murphy/Council member Martinez-Rubin to approve Consent Calendar Items 9A through 9E, as shown.**

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

Mayor Salimi again modified the meeting agenda and moved on to Item 12. New Business, with the items taken out of order from how they had been shown on the meeting agenda.

#### 12. NEW BUSINESS

- C. Establishment of a Project Labor Agreement (PLA) Ad Hoc Subcommittee **[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 November 1, 2022 staff report.

Council member Toms expressed the desire to serve on the Project Labor Agreement (PLA) Ad Hoc Subcommittee given her experience with Public Works projects.

Council member Tave also expressed the willingness to serve on the PLA Ad Hoc Subcommittee.

Mayor Pro Tem Murphy offered a motion, seconded by Council member Tave, to adopt the resolution in Attachment A.

On the motion, Council member Martinez-Rubin requested a revision to the last Now, Therefore Be it Resolved clause as shown on Page 1 of the resolution, as follows:

***NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pinole does hereby establish the Project Labor Agreement (PLA) Ad Hoc Subcommittee composed of***

*two Council Members appointed by the City Council and a Planning Commissioner and a Community Services Commissioner selected among the Planning Commission and Community Services Commission by its respective members and appointed by the Mayor, staffed by the Public Works Director.*

Mayor Pro Tem Murphy retracted his motion.

City Clerk Bell clarified the City Council also needed to appoint two Council members to serve on the Ad Hoc Subcommittee.

#### PUBLIC COMMENTS OPENED

Joe Lubas, Policy Analyst, Associated Builders & Contractors, Northern California Chapter, expressed disapproval of this action given what had happened with the Pinole-Hercules Water Pollution Control Plant Upgrade, a PLA project supported by the City Council with the most reasonable low bid for the project significantly over the Engineer's Estimate of what the project would cost. He asked the City Council to not move forward and that any subcommittee should include contractors both union and merit so that at all views had a seat at the table.

Maria Alegria, Pinole, encouraged the City Council to approve the PLA Ad Hoc Subcommittee. She pointed out the Council Chambers had been built with a PLA, the building was beautiful, sustainable and welcoming. She asked that there be regular reporting from the PLA Ad Hoc Subcommittee to the public to allow the public to opine on any issues and that the labor partners union also have a seat at the table.

Eric Christen, Executive Director, Coalition for Fair Employment in Construction, a statewide organization formed in 1998 solely to oppose discriminatory and wasteful PLAs, asked what problem the PLA would seek to remedy given record inflation and the fact the construction industry was facing construction industry inflation not previously seen. He suggested a PLA would not be considered unless someone was pushing for it, such as special interest groups and former politicians for big labor interests who wanted a monopoly and to exclude the labor force that chose to work labor free, which was evident in the State of California pursuant to the Bureau of Labor Statistics. He questioned why the City Council sought to change the way it did business and asked for a rationale for that action.

If a PLA Ad Hoc Subcommittee was formed, Mr. Christen suggested it should include all parties including supporters and those opposed to these types of discriminatory agreements. He suggested that PLAs only forced non-union construction firms to hire an all-union work force, those that were non-union must pay into union health and welfare pension plans and would never invest since investing requirements were five to ten years in length. PLAs precluded one from wanting to bid since construction companies did not get a user work force, PLAs excluded non-union apprenticeship programs and forced non-union workers to pay union dues. He suggested PLAs had no use or purpose in 2022. If the City Council voted for a PLA Ad Hoc Subcommittee all sides should be represented.

Tom Hansen, Business Manager, International Brotherhood of Electrical Workers (IBEW) Local 302 and President, Contra Costa County Building Trades, commented that this was something the City Council had considered for some time.

Mr. Hansen was present as a resource for staff and looked forward to working with City staff through the details of the PLA. He appreciated the commitment to labor in the Bay Area.

Mayor Salimi stated for the record he was not running for re-election but when he had run for office in 2018, he been approached by the labor union and had refused the money, explaining that he would help the union because he believed in unions and the quality of work and unions made the country stronger, but he was not voting for their money but what was right for what needed to be done.

#### PUBLIC COMMENTS CLOSED

Council member Toms recommended the last Now, Therefore Be it Resolved clause as shown on Page 1 of the resolution, be further modified, as follows:

***NOW, THEREFORE, BE IT RESOLVED*** that the City Council of the City of Pinole does hereby establish the Project Labor Agreement (PLA) Ad Hoc Subcommittee composed of two Council Members appointed by the City Council and a Planning Commissioner and a Community Services Commissioner selected among the Planning Commission and Community Services Commission by its respective members and staffed by the Public Works Director.

Mayor Salimi advised there was consensus to appoint Council members Tave and Toms to serve on the PLA Ad Hoc Subcommittee. He clarified the Ad Hoc Subcommittee would include two Council members, one Planning Commissioner and one Community Services Commissioner.

City Manager Murray requested two separate motions; one on the resolution and another the City Council appointments to the PLA Ad Hoc Subcommittee.

**ACTION: Motion by Council members Martinez-Rubin/Tave to adopt a Resolution of the City Council, County of Contra Costa, State of California, Creating the Project Labor Agreement (PLA) Ad Hoc Subcommittee, to be modified as follows:**

**Revise the last Now, Therefore Be it Resolved clause as shown on Page 1 of the resolution, to read:**

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Pinole does hereby establish the Project Labor Agreement (PLA) Ad Hoc Subcommittee composed of two Council Members appointed by the City Council and a Planning Commissioner and a Community Services Commissioner selected among the Planning Commission and Community Services Commission by its respective members and staffed by the Public Works Director.

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

**ACTION: Motion by Council member Toms/Mayor Pro Tem Murphy to Select Council members Tave and Toms to serve on the Project Labor Agreement (PLA) Ad Hoc Subcommittee.**

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

**A. Adopt Resolution Approving Communication and Engagement Plan [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 November 1, 2022 staff report.

Jennifer Nentwig, Principal, and Karen Villasenor, Business Analyst, Tripepi Smith, provided a PowerPoint presentation for the City of Pinole's Communication and Engagement Plan, an overview of the research and development of the plan to provide a framework to strengthen the City's communication efforts and help City Hall more effectively reach and engage residents by improving access to timely, helpful and accurate information about Pinole and its services while also providing easy, meaningful and successful ways to engage with residents and promote transparency in the City's decision-making process and outcomes of key citywide issues.

Recommendations the City Council was asked to consider included:

Planning: Recommendation to shift from reactive to proactive communications and cross-departmental communications planning to help increase public engagement.

Website: Highest profile and most utilized communication platform by residents, visitors and stakeholders with recommended focus on a user-friendly, easily navigable design.

Social Media: Recommendation for consistent and compelling content, leveraging both City and Police Department platforms and building a strong presence.

City Branding: The City of Pinole used the seal as the City's logo, with a recommendation for a consistent use of branding tools throughout City Hall with easily identifiable logos and colors in all messaging.

Newsletter: The bi-monthly City Manager's Report covered critical and interesting City information and would benefit from an updated look and feel with a recommendation to leverage social media to increase traffic and subscriptions.

Policies and Procedures: Recommendation for the establishment of policies to help manage communications efforts with formal policy examples including a Social Media Policy (internal and external), Media Relations/Inquiry Policy and a Branding/Style Guide.

Crisis Management: Preparation was key with a recommendation for a clear process to lessen confusion and provide clear next steps for residents and staff.

**Media Relations:** Recommendation to build and cultivate relationships with reporters and increase connections with news outlets and regularly develop and share press releases with the media.

**Language Access:** Recommendation to expand language access to ensure all information was accessible to all parts of the community.

**Residents Academy:** Recommendation for resident engagement and encourage education about the inner workings and processes of local government through a Residents Academy; and

**Metrics:** Recommendation to regularly analyze metrics to gather insights to help improve communications efforts, use a data driven approach to help guide important decisions and help the City know what efforts are more efficient and effective in reaching its residents.

#### **PUBLIC COMMENTS OPENED**

Maria Alegria, Pinole, was ecstatic to see the presentation and was glad to see the City Council would do what it said it would but wanted the Council to be aware when evolving out of the pandemic that person-to-person contact was needed. She suggested the Police Chief had done an excellent job reaching out to the community and with the consolidation with the Contra Costa County Fire Protection District (CCCYPD), this was an opportunity to reach out to the community further and consider more outreach such as the Mayor Pro Tem's coffee chats as an example. She also referenced the recent United Against Hate Week (UAHW) efforts and she was proud to be a citizen of Pinole, was proud of the work the City Council had done, and would like the City Council to build on that vision for a united community. She urged the City Council to adopt the Communications and Engagement Plan.

Cordell Hindler, Richmond, thanked the consultant for the presentation, found the concept to be unique, and agreed with the previous speaker and asked the City Council to approve the Communications and Engagement Plan.

#### **PUBLIC COMMENTS CLOSED**

Council member Toms reported she had participated in the on-line presentations and had received all of the information she needed from that presentation and from the staff report.

Mayor Pro Tem Murphy thanked the City Manager for the work with community engagement which had been a priority of his and it was great to see the plan was one of action. He acknowledged some of the elements were already at work and thanked the Communications and Technology Subcommittee for its early work on this effort. He was interested in seeing some of the metrics the consultant had recommended which could be considered as quarterly updates.

Mayor Pro Tem Murphy referenced Pinole Community Television (PCTV) and commented that public transparency was important and PCTV was part of the Communications and Engagement Plan. He hoped the investment in PCTV would not just be met with the plan but with a budget behind it to ensure that PCTV had the resources beyond the bare minimum, ways to creatively increase its capacity and some of the programming it had offered in the past, such as supporting public media education for youth in Pinole.

Mayor Pro Tem Murphy also wanted to see a Youth Commission as part of the Communications and Engagement Plan and referenced the cities of Antioch and Pittsburg that allowed youth to serve on regular Commissions such as the Planning, Community Services and Traffic and Pedestrian Safety Commissions, and he wanted to see that explored for Pinole.

Council member Martinez-Rubin thanked the consultant for the extensive presentation but acknowledged not all of the recommendations would be feasible. She appreciated the recommendation for a Residents Academy and reported in 1994 she had joined a Municipal Services Task Force that had educated her on the services provided by cities. She agreed with many of the tasks recommended but wanted appropriate representation for residents of all ages in the community given the leaning towards digital and social media in that an inclusive city needed to recognize the traditional means of communication, in-person types of events, and City sponsored and created content to highlight the City's talent and ability to present its factually-based information rather than content that could be co-opted by another organization and represented incompletely, which had occurred in the past. She looked forward to some of the recommendations actually being implemented.

Mayor Salimi commented the City's website domain was easy to remember but he would recommend a rebranding of the website that was easy to type and remember.

**ACTION: Motion by Council member Toms/Mayor Pro Tem Murphy to Adopt a Resolution of the City of Pinole, County of Contra Costa, State of California, Approving the City of Pinole Communication and Engagement Plan.**

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

**B. Traffic Safety Improvements on The Tennent Avenue Corridor [Action: Discuss and Provide Direction (Mishra)]**

Public Works Director Mishra introduced Misha Kaur, Capital Improvement and Environmental Program Manager, who provided a PowerPoint presentation on the Safety Improvements on the Tennent Avenue Corridor, which included an overview of the corridor collision history for the segment of Tennent Avenue between San Pablo Avenue and Pinole Valley Road. The presentation also included the background of a traffic fatality that had occurred in July 2022 on Tennent Avenue and Pear Street; the details of the Local Road Safety Plan (LRSP) that would identify, analyze and prioritize roadway safety improvements to reduce fatalities and injuries using existing conditions analyses from 2015-2019 collision data; and as part of the collision analyses identify collision trends, types, severity, violation category, lighting conditions and geographic analysis, which included spatial identification of top trends. The Tennent Avenue Corridor had been identified as a high-injury corridor with two high-injury intersections at Tennent Avenue and San Pablo Avenue and Tennent Avenue and Pinole Valley Road. The LRSP Tennent Avenue Corridor Countermeasures and Recommendations included a number of improvements which were also identified.

Ms. Kaur introduced Traffic Consultant Robert Stevens, CSW-ST2, who provided an overview of the concepts and ideas to address the immediate concerns at Tennent Avenue and Pear Street and Tennent Avenue and Plum Street, and highlighted the traffic study which included a speed survey, traffic counts (auto, pedestrian and bicycle), evaluation of current circulation patterns and community input, including feedback from a meeting at St. Joseph School on October 5, 2022. He also walked through the guidelines and standards for the use of stop signs and explained that based on the data and traffic volume neither of the two streets warranted a stop sign.

Based on the analysis, the consultant and staff recommended the following traffic safety improvements for the two intersections on the Tennent Avenue Corridor:

#### Tennent Avenue and Pear Street

- Bulb outs at all the corners which will require removal of several parking stalls to increase visibility; high-visibility crosswalks and pavement markings on all legs; and high-visibility yield road signs.

#### Tennent Avenue and Plum Street

- Bulb outs at all the corners which will require removal of several parking stalls to increase visibility; a Rectangular Rapid Flashing Beacon (RRFB); high-visibility crosswalks and pavement markings on all legs; and high-visibility yield road signs.

In addition, continued meetings with St. Joseph School to review its student drop-off and pick-up procedures to minimize the potential of pedestrian and vehicular conflict was recommended.

Mr. Stevens described some of the measures that had been considered but had not been recommended for either of the two streets included a traffic-calming circle, roundabout and speed humps and a High-Intensity Activated Crosswalk Beacon (HAWK) Signal and noted the reasons why each had not been warranted had been outlined in the November 1, 2022 staff report.

Ms. Kaur asked the City Council to provide direction on the next steps that may include a revision to the Capital Improvement Program (CIP) and appropriate funding to implement the recommended traffic safety improvements at Plum and/or Pear Streets; complete additional analysis on the feasibility of other types of traffic safety improvements (i.e. roundabouts, K-71 bollards and the like); or wait to receive the LRSP and take any desired action on its recommendations related to the Tennent Avenue Corridor.

#### **PUBLIC COMMENTS OPENED**

Rafael Menis, Pinole, referenced the traffic and circulation guidelines and the thresholds that must be met to warrant certain safety improvements and asked for clarification. He understood why the City would not want the same beacon for any particular roadway but questioned why any beacon was not warranted for the Pear and Tennent Avenue intersection given the recent fatality that had occurred at that intersection. As to the higher visibility markings for crosswalks, he questioned how fast they would fade and how often they would have to be maintained.



Public Works Director Mishra clarified the high-visibility markings at both intersections involved a concrete surface and would likely wear out faster than other surfaces and would have to be maintained more regularly at least every three years.

Mr. Stevens again clarified the stop warrant analysis threshold and noted that two Rectangular Rapid Flashing Beacons (RRFB) should not be placed adjacent to one another since drivers would not pay attention and it would be more effective to ticket the intersection. He also noted the bulb-outs would prevent vehicles from parking on the shoulder so that if a person walked out, a vehicle would not be able to drive around them and two vehicles would be unable to pass one another. The bulb-outs would regulate the right-of-way (ROW). He again detailed the thresholds warranting stop signs and traffic signals and confirmed that neither intersection met the criteria.

Maria Alegria, Pinole, commented her granddaughter was a student of the pre-school at St. Joseph School and she would like nothing more than to walk with her to school and take her to Fernandez Park, but she was terrified to walk across the street from St. Joseph School across San Pablo Avenue given the traffic conditions. She suggested the City needed to stop people from speeding and from using Tennent and San Pablo Avenues as a speed way to the freeway. The staff report had not mentioned the traffic from the freeway and what was driving motorists to drive so fast to reach the freeway, which also passed Collins Elementary School. She urged the City Council to consider a greater vision and make traffic-calming and pedestrian safety the top priority of the CIP. She cited all of the resources available to the City and emphasized lives mattered, people wanted to come to the downtown and it should be made safer for families. She urged the City Council to have a wider vision when deliberating the issue.

Tony Vossbrink, Pinole, stated the call-in numbers for the Zoom meeting had still not been posted and he asked that he not be cut off at three minutes since other speakers had been allowed an extended period of time to speak, which he suggested was a violation of the Brown Act. He asked why input from the City's Traffic and Pedestrian Safety Committee (TAPS) or the Police Department had not provided any input on this discussion. He also questioned why none of the recommendations had emphasized traffic enforcement and asked of the current enforcement numbers for the Tennent Avenue Corridor as well as those before and during COVID. He understood the Police Department had curtailed enforcement and citations during COVID due to other priorities and accidents were not being reported and suggested the numbers cited in the collision data were questionable given the number of unreported accidents.

Frankie Martinez, Pinole, a resident of Old Town Pinole, reported on the number of erratic drivers and while the majority of drivers were following the rules, the others must be addressed. He too was uncertain of the accuracy of the collision data and enforcement numbers and spoke to the use of speed trailers and suggested if a camera was added it would allow fines to be imposed, which could impact a speeder's driver's license. He asked the City Council to consider everything possible to slow the speed of traffic in the difficult and scary areas of the City.

Peter Murray, Pinole, spoke to the recent fatality along the Tennent Avenue Corridor, which he understood had occurred due to distracted driving. He asked how the staff recommendations would address erratic and distracted drivers and liked the idea of a camera on the speed trailers that would capture whether someone was talking on a cell phone. He was otherwise uncertain how to change the culture of distracted drivers.

City Manager Murray clarified that TAPS had discussed traffic interventions throughout the City and in particular the Tennent Avenue Corridor, and their comments had been forwarded to the traffic consultant. Similarly, the Police Department had been involved in those conversations and were in support of the proposed engineering solutions intended to address the distracted driving problems with the RRFB, specifically intended to get drivers attention. He suggested that distracted driving was a societal, behavioral and cultural issue and no amount of police enforcement would counteract that behavior. The intent was also to have persistent intervention methods in place to avoid the requirement of having someone constantly monitor drivers. He added that staff would have to get back to the speakers who had suggested cameras on top of the speed trailers/radar devices and would discuss that with the Police Department.

## **PUBLIC COMMENTS CLOSED**

Council member Tave asked whether temporary fixes with feedback from St. Joseph School had been considered and was informed by Public Works Director Mishra that temporary fixes could be considered such as the use of K-71 bollards but would involve a cost to remove any temporary solutions when a permanent solution had been installed.

Council member Tave recommended that temporary fixes be considered now to see if they worked to educate and train drivers to be ready for the future permanent improvements and to create the choke point where people would reduce their speed in the affected areas. He liked the plans, emphasized the need to address concerns now, and understood the need for all improvements.

City Manager Murray was uncertain the K-71 bollards were the right option and suggested possibly some water-filled barriers that may also mimic the bulb-outs, but staff was seeking direction from the City Council on the recommendations provided or options through a future CIP update. A full-blown permanent installation would require some appropriation of funding in the CIP, and in the meantime a temporary solution could be considered. Feedback and educating drivers was also important as effective measures.

Mr. Stevens suggested temporary solutions were great since they helped people to be comfortable with changes but he would not expect a reduction in vehicle speeds with the K-71 bollards, although they could provide a visual cue to help drivers navigate the intersection. He found that people were less observant of conditions on the road, and there needed to be a design where pedestrians and people navigating the street were able to clearly see oncoming vehicles and make eye contact with drivers, to ensure drivers were not distracted. He reiterated that while the K-71 bollards would provide that visual cue, they would not provide the same level of security a true bulb-out would provide. He suggested an easy and quick solution would be to remove some of the on-street parking to improve sight distances.

Council member Martinez-Rubin supported the more permanent solution and means of creating safety and visibility. She suggested safety over speed should also be considered and appreciated consideration and existence of the RRFB and having something that both enhanced visibility during the day and which would also be helpful at dusk. Also, the Tennent Avenue Corridor was not the only area in the City where residents had expressed concern.

Mayor Pro Tem Murphy again clarified with staff the collision data for the Tennent Avenue Corridor had not included solutions for the intersection at Tennent and San Pablo Avenues.

Public Works Director Mishra advised that the data provided was part of the LRSP, the City was in the process of completing that plan and the solutions for that segment would be part of the LRSP and was not part of this effort.

Mayor Pro Tem Murphy asked whether the closure of Tennent Avenue during particular hours of the day had been considered to address pedestrian safety and Public Works Director Mishra stated that option had not been evaluated. Tennent Avenue was an arterial roadway that connected to the I-80 on- and off-ramps, impacting the entire arterial system in the City, and it would not be prudent to close it although the traffic data could be reviewed to determine whether or not it would be possible. The same would apply to the San Pablo Avenue and Pinole Valley Road segments.

Mayor Pro Tem Murphy liked the bulb-out idea but asked whether or not full sidewalks could be extended on both sides of Tennent Avenue, to which Public Works Director Mishra suggested if there was adequate ROW and funds that option could be possible.

Mayor Pro Tem Murphy also clarified with Public Works Director Mishra that the K-71 bollard was a type of bollard manufactured by a certain company used for situations where delineation was needed for a bicycle and pedestrian way from vehicles. It was not a hard bollard but offered visual cues for separation from a bicycle and pedestrian path.

Mayor Pro Tem Murphy again suggested an extension of the sidewalk could be a solution to the issues on Tennent Avenue and that trees could possibly be added along the sidewalks. He asked whether that solution had been considered, and Mr. Stevens agreed that mature trees with a beautiful canopy and anything that constrained or made the road appear narrow and tunnel-like tended to slow vehicles down. Some cities had also implemented gateway symbols or markers as one entered a community but care needed to be taken with what would be implemented and how the corridor was treated as a whole.

Mayor Pro Tem Murphy suggested trees would be an added benefit, add to the beautification of Pinole, provide the ability to cool down the community and provide mental health benefits. He asked whether trees could be included in the staff recommended options, and Public Works Director Mishra stated for this proposal the improvements were only for the two intersections and not for the entire corridor. When the entire corridor was considered, adding trees could be considered at that time. The LRSP was scheduled to be presented to the City Council at its November 15, 2022 meeting and at that time staff would provide an update on the progress to date, with another workshop required to be conducted prior to the final adoption of the LRSP.

City Manager Murray suggested they were really speaking of a Complete Streets project for this area of Tennent Avenue and he did not expect the LRSP would likely include recommendations with expanded sidewalks which could narrow the corridor, the planting of trees or other curb management. He suggested those options could be considered as a potential CIP project which would include economic and community development benefits. He also suggested that discussion be considered during the CIP since he was not of the opinion those options would naturally flow from any of the other projects, such as the LRSP or a Tree Master Plan.

Mayor Pro Tem Murphy emphasized that discussion needed to be had especially for an evidence-based solution that may also benefit the City's Climate Action Plan (CAP) when developed.

The Mayor Pro Tem also commented that he walked downtown Pinole daily, had a conversation with a constituent around the loss of life in the corridor, and saw this effort as a strategic plan for a more walkable downtown Pinole. He sought a broader thought process about why Tennent Avenue was so important in downtown Pinole. While he appreciated the staff recommendations and highly supported the recommendations for both intersections, he was also challenged with what he saw as a lack of connection and development of plans across different agencies. He wanted to see staff work to integrate the plans more, recognized it would not be easy, but emphasized that collaboration was important when considering solutions.

Mayor Pro Tem Murphy added he had received feedback from the St. Joseph community about the mental health impacts of the recent fatality on students at St. Joseph School and that piece could be mitigated in the design such as consideration of using the crosswalk as another beautification project in Pinole. He suggested the use of rainbow crosswalks could make people remember that a school was nearby and that there had been a fatality at that crosswalk. He looked forward to the staff recommendations including drainage improvements, use of recycled water and the replacement of Prune Street.

Council member Toms verified with Public Works Director Mishra that the LRSP would be presented to the City Council on November 15 with the final LRSP anticipated to be adopted by the City Council in early January 2023. She supported the staff recommendations which were important for the school community and those who walked in the downtown. As part of the LRSP, she hoped the next phase of this project would include the elimination of the free right-turn at San Pablo Avenue to Tennent Avenue, which in her opinion encouraged speeding on Tennent Avenue as one left San Pablo Avenue. She found the bulb-outs would increase the line of sight for pedestrians on the sidewalk, would narrow the street and provide some traffic calming and she described an accident in the past related to passing vehicles where the bulb-outs would help to prohibit such traffic maneuvers.

As to the recommendation for considering K-71 bollards, Council member Toms was not interested in seeing those used. As an example, the City of Richmond had used the same bollards in its community but half were run over or missing and offered a false sense of safety.

Council member Toms asked about the next steps if the City Council were to move forward with the staff recommendations, whether there would be a discussion as part of the next quarterly CIP report or a review of the CIP, and City Manager Murray suggested that would be appropriate timing.

Council member Toms also asked of the design timing and her hope the construction of the improvements could occur in the summer to avoid conflicts with school traffic.

Public Works Director Misha suggested once funding was available the design could occur in a couple of months given there were only two intersections and construction could occur during the summer months.

Mayor Salimi suggested the City should not just rely on the traffic/collision statistics but also consider safety citing the recent fatality in the intersection. He asked staff whether or not the cost of tickets could be increased for distracted drivers.

City Attorney Casher advised it was a violation of the State Vehicle Code to use cell phones while operating a vehicle with a base fine of \$20, but sections of the Vehicle Code included a not-to-exceed penalty amount. There may be an option to impose a higher fine for that type of traffic offense and he would have to consult with the Police Chief on how that could be implemented.

Mayor Salimi asked the City Attorney to get back to the City Council with an update

Council member Toms offered a motion, seconded by Mayor Pro Tem Murphy to move forward with the safety recommendations that had been identified in the PowerPoint presentation.

On the motion, City Manager Murray understood the direction to staff was to come back with a quarterly report and potential modifications to the CIP to include this item. To move this item forward would require the appropriation of funding and to do that would be to consider the quarterly update on the CIP. The appropriation of funding was not on the agenda at this time. That discussion had been scheduled to occur in February 2023 when more detailed costs could be identified.

**ACTION: Motion by Council member Toms/Mayor Pro Tem Murphy to move forward with the safety recommendations identified in the PowerPoint presentation as follows:**

**Tennent Avenue and Pear Street:**

**Bulb outs at all the corners which will require removal of several parking stalls to increase visibility; high-visibility crosswalks and pavement markings on all legs; and high-visibility yield road signs.**

**Tennent Avenue and Plum Street:**

**Bulb outs at all the corners which will require removal of several parking stalls to increase visibility; a Rectangular Rapid Flashing Beacon (RRFB); high-visibility crosswalks and pavement markings on all legs; and high-visibility yield road signs; and**

**Provide direction to staff to come back with a quarterly report and potential modifications to the CIP to include this item.**

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

Responding to the public comment, Police Chief Neil Gang reported the Pinole Police Department had been involved with the item the entire time, which had involved a total collaborative approach with City staff, residents and St. Joseph School. He also spoke to the increase in poor driving behavior nationwide after the pandemic and clarified in response to suggestions to use speed cameras stated that was not an option since they were prohibited in the State of California. Red light cameras were allowed to be used but were not an option for the corridor being discussed.

Police Chief Gang explained that distracted driving was difficult to enforce on a two-lane road as opposed to highway traffic, and while a tool that was used it was typically reactive to distracted driver behavior. The Police Department would continue to educate the public about distracted driving. He also clarified the Police Department had not been ordered not to enforce traffic laws, and while there had been a reduction in enforcement during the pandemic that had related to staffing challenges, which had driven some of the results the community may have seen. He added that while raising fees could be considered, no studies had shown a nexus that increased fees would stop some of the poor driving behavior but he would sit down with the City Attorney to discuss that issue.

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

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

Mayor Pro Tem Murphy commented that the safety improvements would include drainage improvements and road reconstruction and he would like at the next City Council meeting a conversation around a Tree Master Plan, which had been a recommendation of the Beautification Committee. He asked that staff identify the types of safety improvements in line with infrastructure plans in place so that it did not appear the City was only spending funds on the seven safety improvement items described but also setting the tone on infrastructure.

City Manager Murray clarified the reference to drainage improvements and road reconstruction was localized to just the intersection under discussion where the bulb-outs would be installed, but was not on the corridor and would not have the same efficiencies if combined with other projects.

Public Works Director Mishra confirmed the City Manager's comments with respect to drainage improvements to address catching rain/storm water from one side and directing it to the next point to drain to an inlet required as part of the installation of a bulb-out, which was the reason the cost was a bit higher. Demolition of the road was required to construct the bulb-out just for the two intersections but if any future projects came along for the sidewalk those would be the areas to consider recycled water pipes and other improvements.

Mayor Pro Tem Murphy did not understand the complexity of the issue and suggested many residents also struggled with the engineering framework. He spoke to cost efficiency and integration of known improvements and wanted the City Council to continue the conversations to make them more connected.

Council member Martinez-Rubin suggested the Mayor Pro Tem narrow his interest and suggest a future agenda item in January to discuss his approach.

The City Council moved to Item 7. Reports & Communications.

## **7. REPORTS & COMMUNICATIONS**

A. Mayor Report  
1. Announcements

Mayor Salimi reported he had received requests from the Iranian community to do some free tree art decorations and murals and had forwarded the requests to the City Manager. He also reported he had received around 300 comments since the October 18, 2022 City Council meeting thanking the City of Pinole for the Human Rights in Iran proclamation and with the distribution of the press release.

B. Mayoral & Council Appointments: None

C. City Council Committee Reports & Communications

Mayor Pro Tem Murphy thanked the WCCUSD staff, teachers, Parent Teacher Associations (PTAs) and the school communities for the Trunk or Treat events at Pinole schools; thanked the Recreation and Community Services Department staff for the recent evening outdoor movie; Dolan's Lumber for the recent breakfast to celebrate its accomplishments and customers; and Friends of Pinole Creek Watershed, the Contra Costa Resource Conservation District and several Pinole Valley High School students for hosting the first in-person Pinole Creek Allies Clean-Up.

Council member Toms reported she had attended an online composting workshop with a link of the recording planned to be shared with the City Council; outdoor movie night; and announced the Ellerhorst Elementary School community would be marking Ruby Bridges Walk to School Day on November 14, 2022, which was also the start of UAHW, and encouraged everyone to participate.

Council member Martinez-Rubin reported she had attended the East Bay Municipal Utility District (EBMUD) Board and West Contra Costa Transportation Advisory Committee (WCCTAC) meetings, and briefed the City Council on the discussions and presentations provided.

D. Council Requests for Future Agenda Items

Council member Martinez-Rubin requested a future agenda to recognize the Pinole Valley High School Girls Volleyball Team for winning the Tri-County Athletic League Championship, and the Pinole Valley High School Girls Tennis Team for winning its league title, to be recognized at the City Council meeting on December 6, 2022. Consensus given.

Mayor Pro Tem Murphy requested a future agenda item for a presentation from EBMUD. Consensus given.

Mayor Pro Tem Murphy requested another future agenda item for consideration of a Memorandum of Understanding (MOU) or an agreement with EBMUD where the City of Pinole would have one pipeline to be repaired immediately for all City residents to use for water in the event of a major earthquake or other emergency. Consensus given.

Council member Martinez-Rubin also suggested as part of a presentation from EBMUD that it include the exploration of partnerships in the MOU, and City Manager Murray suggested as part of a presentation from EBMUD it could be asked to identify potential partnerships and have a conversation about that separate from the prior future agenda item request.

Mayor Salimi requested a future agenda item for consideration of murals and tree decoration from the Iranian community.

On the request, City Manager Murray understood that multiple forms of art were being installed in different communities related to the human rights issue in Iran where artists would install art in Pinole free of charge if the City was interested. An agenda item could include a discussion of what could be presented subject to City Council approval. Consensus given.

E. City Manager Report / Department Staff

City Manager Murray updated the City Council on events for UAHW with more information on the City website and social media platforms; and identified the tentative items scheduled for the November 15, 2022 City Council meeting.

F. City Attorney Report: None

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

The City Council moved on to Item 10A. Mayor Salimi and Council member Tave stepped down from the dais due to potential conflicts of interest and both left the meeting at 11:23 p.m.

**ACTION: Motion by Council members Toms/Martinez-Rubin to extend the City Council meeting to 12:00 a.m.**

<b>Vote:</b>	<b>Passed</b>	<b>3-0-2</b>
	<b>Ayes:</b>	<b>Murphy, Martinez-Rubin, Toms</b>
	<b>Noes:</b>	<b>None</b>
	<b>Abstain:</b>	<b>None</b>
	<b>Absent:</b>	<b>Salimi, Tave (recused)</b>

**10. PUBLIC HEARINGS:**

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

A. Ordinance Adding Chapter 17.28, Historic Preservation Overlay, to the Municipal Code **[Action: Introduce and waive the first reading of an ordinance adding Chapter 17.28, Historic Preservation Overlay, to the Municipal Code per Staff Recommendation (Casher)]**

Assistant City Attorney Alex Mog provided a PowerPoint presentation which included the background of the effort to consider a Historic Preservation Overlay (HPO). He highlighted the existing Old Town Design Review regulations and the parameters of the proposed HPO, which would create a Historic Preservation Overlay Zone.



The overlay was a type of supplemental zoning designation that established extra regulations but would not change the permitted uses. The proposed ordinance would designate properties for inclusion within the HPO Zone by the City Council, the initial HPO Zone was in Old Town Pinole and properties could be added or removed in the future. The Old Town Design Guidelines would be applied through the otherwise applicable design review process and no new permit or entitlement would be required, rather the Design Guidelines would be considered when evaluating a permit or entitlement request from a property in the HPO Zone. The changes to be made as part of the HPO Zone included the elimination of the Zoning Administrator's authority to determine whether a project would be a cultural resource and elimination of a section that identified potential incentives for historic preservation.

The Historic Preservation Overlay Design Guidelines adopted in 1997 as the Old Town Design Guidelines had not been applied in recent years. Projects in the HPO Zone would be required to comply with the guidelines that contained a mix of mandatory requirements and recommendations. The Design Guidelines would ensure special attention and consideration of the historic character and uniqueness of Old Town rather than strict compliance with specific detailed requirements. A project would not need to satisfy every single element in order to comply with the guidelines overall and the ability to impose subjective guidelines may be limited in some situations.

Assistant City Attorney Mog also highlighted the review hierarchy of the General Plan, Three Corridors Specific Plan, Zoning Code and Design Review Guidelines, and clarified where an inconsistency existed the higher document would control. He added the Municipal Code Update Subcommittee had reviewed the ordinance and proposed specific changes that had been incorporated into the revised Design Guidelines in an effort to ensure consistency with the Three Corridors Specific Plan, but clarified the Design Guidelines may be amended at any time by resolution of the City Council. The Design Guidelines were not before the City Council at this time for adoption but would be presented to the City Council concurrently with the second reading of the proposed ordinance if that occurred.

If the City Council, members of the Committee, or the public had any additional feedback on the Design Guidelines, that could be incorporated prior to the next Council meeting. If adopted, the Ordinance would go into effect 30 days after adoption. The Design Guidelines may be adopted at any point prior to the effective date of the ordinance.

Assistant City Attorney Mog recommended the City Council introduce and waive the first reading of an ordinance adding Chapter 17.28, Historic Preservation Overlay, to the Pinole Municipal Code (PMC) and provide direction regarding related Design Guidelines.

## **PUBLIC HEARING OPENED**

Rafael Menis, Pinole, expressed concern with the size of the area that the HPO covered in that the Three Corridors Specific Plan, San Pablo Avenue Sub-Framework Figure 6.1, as shown on Page 227 of the Three Corridors Specific Plan, had shown the area covered in the Old Town Subarea that was much smaller in size and with all of the area to the north and south of San Pablo Avenue not included in the Subarea. The area to be covered by the HPO was far larger than the Old Town Subarea, and intruded into the Mixed-Use Subarea between Alvarez Avenue and Appian Way, tied into the extension of the types of architecture that fell under the purview of the Design Review Guidelines.

Mr. Menis suggested that spoke to adding in 1960s style architecture that was culturally valuable and worthy of preservation, but which went beyond the original scope of the Old Town Design Guidelines intended to preserve the nature of the downtown area. As such, he suggested the HPO would have to be expanded to include 1960s architecture but at the same time became less coherent as a set of goals when not just covering 1940s and Victorian architecture rather than just the nature of the Old Town Corridor itself. As a result, he found the HPO to be too broad.

Frankie Martinez, Pinole, understood the agenda would include consideration of the HPO and adoption of the Old Town Design Guidelines. He commented that in 2021, a committee at the direction of the City Council and comprised of members of the City Council and the Planning Commission had discussed numerous changes to the documents, now 100 pages in length. Last fall, that committee had asked City staff to finalize the many changes and bring them back to the committee for review. He had contacted City staff to ask why that committee had not been given the opportunity to review the HPO document. The same concerns had been raised with the Chair of the Planning Commission and he expressed concern the committee had not completed its work on a very complex document.

In particular, Mr. Martinez referenced Section 17.28.040, Designation Process subsection A, and Section 17.28.050, Special Guideline for Design Review subsection B, and the fact the language read as if this was now a mandatory process. He hoped that neighbors would be asked whether or not they wanted to opt into the HPO, with many examples that were incorrect in the document. He added the Planning Commission had also requested the removal of a section related to homes past Tennent Avenue, past the Burlington-Northern Sante Fe (BNSF) Railroad out towards the water on Tennent Avenue, and had requested the removal of Orleans Drive, Calais Drive, Tennent Court, La Salle Drive and others from the HPO; however, the HPO still showed those streets in the document.

Mr. Martinez requested a joint workshop to again review the document with those changes in mind given that more needed to be done and to solicit input from City leadership and neighbors. He asked that the City Council refer the HPO back to the committee to allow the opportunity to review and complete its work.

David Rupert, Pinole, a resident outside of the proposed HPO, reported he had submitted documents to the City in the past which were of interest in considering the HPO. As he had mentioned in 2021, he had suggested the City consider the City of Pasadena, a community that had considered an overlay very well, to determine whether or not an overlay was feasible for Pinole. He was uncertain that recommendation had been considered. He concurred with the comments raised by Mr. Menis that the HPO was overly inclusive, could cause problems for properties that may not fall under the definition of a historical residence, and agreed with the comments raised by Mr. Martinez that the HPO should be referred back to the committee that had been formed for further input and review of the questions that had been raised and the process being used to create the HPO to ensure it benefitted all citizens of Pinole.

Maria Alegria, Pinole, suggested it was not good practice to make decisions that would guide planning, zoning and guidelines for Old Town at such an hour. Rather, she asked the City Council to heed the advice of the Planning Commission and go slow to ensure this was done right and listen to the members of the community who had been appointed to provide wisdom, particularly as it related to Old Town Pinole and the earlier discussions on pedestrian safety and traffic calming to see how that could be incorporated into the plan.

Ms. Alegria also asked the City Council to refer the matter back to the committee and provide clarification whether incentives would be provided, who would pay for those incentives, and whether the City would create its own historical area and be thoughtful in the process.

#### **PUBLIC HEARING CLOSED**

Council member Toms responded to the public comments and clarified that the mid-century neighborhoods had been included in the HPO. As a member of the committee, she recalled there had been a suggestion that be removed but there had also been a discussion that neighborhood was one of the first standard neighborhoods in Pinole and the mid-century neighborhood had value, not just the Craftsman and Victorian homes, and that inclusion had been purposeful and did not have to meet the same outline as the Three Corridors Specific Plan. The area of the bowling alley, Sprouts and Kaiser had also been intentionally included in the HPO so that as new uses came in, such as potentially around the bowling alley and changes that could occur over time on some of the other newly developed parcels, those would be included as well.

Council member Toms did not oppose a continuation of the agenda item but based on her notes everything that had been discussed had been included, although it made sense to have a final redline version of the document be reviewed by the committee. She suggested staff had done a good job to ensure the Design Guidelines complied with Senate Bill (SB) 9 and the Accessory Dwelling Unit (ADU) requirements. She asked whether the item could be continued to a date certain so that re-noticing was not required to allow the committee to review the final product.

Council member Martinez-Rubin understood the committee had the opportunity to review the final document as recently as a week and a half ago, with discussions that were deliberate and thoughtful over a period of two years since discussions had started on this matter. Also, some of the commenters were members of that same committee. She emphasized the time spent already and noted that the last committee meeting had the full attendance of its members, and by the time of the second reading there would be another opportunity for more public comment. She found there had been ample discussion and review of the item.

Mayor Pro Tem Murphy was not opposed to continuing the item to the next meeting of the City Council.

City Clerk Bell reported the next City Council agenda included five discussion items and if the item was continued to a date certain it could be re-noticed for the benefit of the public, although if that was done one of the five items on the next meeting agenda may have to be deferred.

Council member Martinez-Rubin offered a motion in support of the staff recommendation. There was no second to the motion and the motion failed.

Mayor Pro Tem Murphy offered a motion to extend the City Council meeting to 12:08 a.m. There was no second to the motion and the motion failed.

City Attorney Casher advised that given the motions and lack of a second, there was no action on Item 10A, which would have to be re-noticed for the first reading.

**ACTION: Motion by Council members Toms/Martinez-Rubin to continue an Ordinance Adding Chapter 17.29, Historic Preservation Overlay to the Municipal Code, to the November 15, 2022 City Council meeting.**

**Vote:**           **Failed**           **2-1-2**  
                  **Ayes:**       **Martinez-Rubin, Toms**  
                  **Noes:**       **Murphy**  
                  **Abstain:**   **None**  
                  **Absent:**   **Salimi, Tave (recused)**

**ACTION: Motion by Council members Toms/Martinez-Rubin to extend the City Council meeting to 12:10 a.m.**

**Vote:**           **Passed**       **3-0-2**  
                  **Ayes:**       **Murphy, Martinez-Rubin, Toms**  
                  **Noes:**       **None**  
                  **Abstain:**   **None**  
                  **Absent:**   **Salimi, Tave (recused)**

Council member Toms offered a motion to refer the ordinance adding Chapter 17.29, Historic Preservation Overlay to the Municipal Code to the committee with a meeting to be scheduled in the next two to three weeks to close the loop on some of the concerns that had been raised.

Council member Martinez-Rubin stated the committee had the opportunity to provide written comments.

Council member Toms recommended the item be continued to a date certain of December 6, 2022 but was informed by the City Clerk that was the date for reorganization but she deferred to the City Manager on agenda planning.

City Manager Murray suggested it was up to the City Council.

Council member Martinez-Rubin wanted the existing members of the committee to be part of the discussion to avoid the need to potentially start over if there were new members.

On the discussion, Council member Toms stated the Planning Commission had previously reviewed the HPO and had been satisfied with the base document.

Assistant City Attorney Mog confirmed that the Planning Commission had reviewed the HPO with minor changes recommended and the City Council had later appointed the committee to review the document further but it had not been sent back to the Planning Commission.

Mayor Pro Tem Murphy commented he had heard from many residents about the HPO and he had identified issues that had not been discussed including an elimination of the incentives, which was something he wanted to see included. Residents had concerns with additional and supplemental permitting and he had concerns with the erasure of indigenous communities, extra red tape, limited support for small businesses in the HPO and the use of staff time. If this matter needed to be moved to the next City Council with a conversation in 2023, he would be happy to do that since he currently did not see a path forward given the concerns.

Council member Toms suggested if the item was continued several of the issues identified could be addressed. She noted in 1997 when the Old Town Design Guidelines had been adopted, the City had a Redevelopment Agency which helped provide financing and assistance for design, which the City no longer had. The HPO had been streamlined to eliminate some of the red tape.

Council member Martinez-Rubin added that even with all of the discussions and comments, one of the main thrusts for the HPO was to maintain the historic character of Pinole, but comments were being made that detracted from that effort. She suggested if people were as interested as they claimed to be they were coming in far too late in this process, which had been under discussion and had involved staff time for the past two years. Also, additional steps had been taken to mail notices to everyone in the area who could be affected by the HPO, with no response. The comments received were from people who had continually provided input to defer this matter again and again, which was interesting and rather than have something that maintained the character of Pinole they were continually detracting from the ordinance.

Council member Toms restated her motion, seconded by Council member Martinez-Rubin to refer the ordinance adding Chapter 17.29, Historic Preservation Overlay to the Municipal Code to the committee, with a meeting to be scheduled in the next two to three weeks to close the loop on some of the concerns raised and continue the public hearing to a date certain of December 6, 2022.

**ACTION: Motion by Council members Toms/Martinez-Rubin to Refer an Ordinance Adding Chapter 17.29, Historic Preservation Overlay to the Municipal Code to the HPO committee and continue the public hearing to a date certain of December 6, 2022.**

<b>Vote:</b>	<b>Failed</b>	<b>2-1-2</b>
	<b>Ayes:</b>	<b>Martinez-Rubin, Toms</b>
	<b>Noes:</b>	<b>Murphy</b>
	<b>Abstain:</b>	<b>None</b>
	<b>Absent:</b>	<b>Salimi, Tave (recused)</b>

Mayor Pro Tem Murphy explained that he could not offer a motion since he did not want to support the item moving forward. He opposed the use of more staff time on this matter or another item on the December 6 meeting agenda.

Council member Toms pointed out the City had a set of Design Guidelines that were 25 years old. If not updated, the Design Guidelines would be out of date and non-compliant with ADU and SB 9 requirements. She suggested possibly a future agenda item was needed to bring the item back, otherwise it would die.

Council member Toms offered a motion, seconded by Council member Martinez-Rubin to return the Ordinance Adding Chapter 17.29, Historic Preservation Overlay, to the Municipal Code to the HPO committee.

**ACTION: Motion by Council members Toms/Martinez-Rubin to Return an Ordinance Adding Chapter 17.29, Historic Preservation Overlay, to the Municipal Code, to the HPO committee.**

<b>Vote:</b>	<b>Failed</b>	<b>2-1-2</b>
	<b>Ayes:</b>	<b>Martinez-Rubin, Toms</b>
	<b>Noes:</b>	<b>Murphy</b>
	<b>Abstain:</b>	<b>None</b>
	<b>Absent:</b>	<b>Salimi, Tave (recused)</b>

Council member Toms stated at a future meeting she would request a future agenda item to discuss the Ordinance Adding Chapter 17.29, Historic Preservation Overlay to the Municipal Code in order to determine the next steps.

**11. OLD BUSINESS:** 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.*

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

**14. ADJOURNMENT** to the Regular City Council Meeting of November 15, 2022 in Remembrance of Amber Swartz.

At 12:12 a.m., Mayor Pro Tem Murphy adjourned the meeting to the Regular City Council Meeting of November 15, 2022 in Remembrance of Amber Swartz.

**Submitted by:**



\_\_\_\_\_  
**Heather Bell, CMC**  
**City Clerk**

**Approved by City Council: November 15, 2022**

