

**CITY COUNCIL MEETING  
MINUTES  
January 17, 2023**

**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 Murphy 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**

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

**B. STAFF PRESENT**

Andrew Murray, City Manager  
Heather Bell, City Clerk  
Eric Casher, City Attorney  
Neil Gang, Police Chief  
Lilly Whalen, Community Development Director  
Markisha Guillory, Finance Director  
David Hanham, Planning Manager  
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on Friday, January 13, 2022 at 11:00 a.m. with all legally required written notices. Written comments had been received in advance of the meeting, posted to the City website, distributed to staff and the City Council, with a printed copy available in the back of the Council Chambers.

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.*

##### **1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Gov. Code § 54956.8

Property: 612 Tennent

##### **2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Gov. Code § 54956.9 (d)(1)

Name of Case: MVP Construction

Mayor Murphy reported that Closed Session Item 4(1) Conference with Real Property Negotiators would be deferred and re-noticed to a future City Council meeting.

#### **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 6:05 p.m., Mayor 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, wished everyone a Happy New Year and Happy Lunar New Year; updated the City Council on the current COVID-19 case rate for the City of Pinole and continued to encourage everyone to wear masks indoors and outdoors, particularly in crowded spaces. He also announced that Friends of Pinole Creek Watershed would be hosting a creek clean-up on January 21, 2023 at Bay Front Park at 10:00 a.m. and there would be a workshop for the City's Climate Action and Adaptation Plan scheduled for Thursday, January 26, 2023 from 6:00 to 7:30 p.m. at the Pinole Senior Center.

Mayor Murphy rearranged the meeting agenda and moved onto Item 8A.

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

##### **A. Proclamations**

##### **1. Police Officer of the Year**

The City Council read into the record a proclamation honoring Police Officer Eugene Lew as Police Officer of the Year for 2023.

Officer Eugene Levy reported he was close to his ten-year anniversary with the City of Pinole and he looked forward to future years serving the City. He expressed his appreciation to the citizens of Pinole, Police Chief Neil Gang, the Pinole Police Department and the City Council for the recognition.

Police Chief Neil Gang appreciated the opportunity to recognize Officer Lew for his work. He also provided an overview of the philosophy of Relational Policing which Officer Lew represented.

The City Council again recognized Officer Lew for his service and recognition of the fact this was the second time in his career his co-workers in the Pinole Police Department had nominated him as Police Officer of the Year.

## 2. Firefighter of the Year

The City Council read into the record a proclamation recognizing Seaborn Hunter Chiles as Firefighter of the Year for 2023.

Mayor Murphy reported that Mr. Chiles was not present but the Pinole Rotary Club would honor both Officer Lew and Firefighter Chiles at an event on February 4, 2023. The public was welcome to attend.

## 3. Dr. Martin Luther King Jr. Day

The City Council read into the record a proclamation honoring Dr. Martin Luther King Jr. (MLK) Day.

### PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, read into the record excerpts from a letter written by Dr. Martin Luther King Jr. while incarcerated in a Birmingham jail and emphasized the importance of those comments given some legislators in the country were currently seeking to disenfranchise portions of their populations in open defiance of the Voting Rights Act (VRA).

Cordell Hindler, Richmond, thanked the City Council for the proclamation and as an advocate for civil rights emphasized its importance. He also recognized the Pinole Police and Firefighter of the Year and thanked them for their service.

### PUBLIC COMMENTS CLOSED

## 4. Lunar New Year

The City Council read into the record a proclamation recognizing Lunar New Year, January 22 through February 5, 2023.

### PUBLIC COMMENTS OPENED

Christy Lam-Julian, Pinole, thanked the City Council for the proclamation on behalf of the Asian-American Diaspora. Lunar New Year, also known as the Spring Festival, was the most important holiday in China and was widely celebrated throughout Asia. The proclamation also honored the City of Pinole as the 6<sup>th</sup> most diverse city in the United States and she looked forward to multi-cultural celebrations.

Rafael Menis, Pinole, wished everyone a Happy Lunar New Year and stated that 2023 was the Year of the Rabbit. He wished everyone good fortune in the year to come.

Cordell Hindler, Richmond, reported that Lunar New Year activities would be celebrated in the City of San Francisco on February 4, 2023.

Mayor Murphy wished everyone a Happy Lunar New Year and reported that the West County Mandarin School would hold an event on February 6, 2023 in celebration of Lunar New Year.

## **PUBLIC COMMENTS CLOSED**

### **B. Presentations**

#### **1. WestCAT Presentation**

Rob Thompson, General Manager, WestCAT, provided an extensive Power Point presentation of WestCAT, which included an overview of his background and experience; WestCAT staffing resources; statistics on the average daily ridership by route type with the figures pre-pandemic for Fiscal Year (FY) 20-21 and current figures; annual revenue service hours for the same period and updates on local service and connections to the regional network. He also highlighted One Seat Ride, an American with Disabilities Act (ADA) service, travel training for students, the Clipper Card, possible new regional service destinations and transition to a Zero Emission Fleet.

Responding to questions from the Council, Mr. Thompson identified the ridership statistics for the peak periods and reported that Pinole Valley High School was a large trip generator. Micro-transit vehicle options were currently being evaluated as to whether they would provide improvements to the WestCAT system. The recent WestCAT Stuff a Bus events in the cities of Hercules and Pinole had been a success with a significant amount of food, cash and toy donations having been collected. WestCAT had also participated in National Night Out events.

WestCAT programs with local schools teaching students how to use local transit was also highlighted with WestCAT offering a monthly pass and with the West Contra Costa Transportation Advisory Committee (WCCTAC) offering incentives for students to use local transit. All that information was available on the WestCAT website. In addition, WestCAT was always looking for drivers, mechanics and utility workers. The system was not at 100 percent due to the challenges in securing qualified drivers.

Mr. Thompson also described the efforts to capture riders from Solano County and to that end WestCAT had commissioned a 2016 ridership study and the Metropolitan Transportation Commission (MTC) had commissioned a study along the I-80 Corridor, which involved Solano County, although there were challenges as to where riders from Solano County would park in West County and how they would access the WestCAT system.

Conversations were ongoing as to how to align services. As to services to the City of Oakland, the best potential route would be to the City of Emeryville and then into Oakland, with a lot of issues remaining to be resolved. There was also interest in coordinating with the Capital Corridor and ferry services with the need for a better understanding as to how that all fit into the equation.

Council member Tave encouraged a concerted effort between WestCAT, AC Transit and the Contra Costa Transportation Authority (CCTA) regarding services provided.

Mr. Thompson advised that the transportation agencies had always worked together but there had been changes in executive leadership and efforts were ongoing as to how to market services collaboratively.

Mayor Pro Tem Toms encouraged residents to consider using the Clipper Card system which had been very successful. She thanked Mr. Thompson for the information provided, particularly information on the training programs WCCTAC offered to high school seniors. She sought more information on a new database WestCAT was considering to count passengers.

Mr. Thompson clarified the Clipper Card was available on mobile phones at no charge and given a nationwide clipper card shortage everyone was encouraged to use their mobile phones to access the Clipper Card system. He reported the WestCAT Board had recently authorized an agreement with a software company for data management, which system would automate passenger counters allowing information on the number of people on and off the entire system, useful for reporting requirements and allowing more data when WestCAT considered route potential and schedule changes.

In response to the Mayor, Mr. Thompson reported that it had been a few years since WestCAT had commissioned a survey of residents. WestCAT typically relied on MTC to do surveys of current riders given challenges obtaining information from non-riders. WestCAT was always open to comments from the public. Comments from the public could be provided on the WestCAT website, to the drivers, and to those Council members appointed to serve on the WestCAT Board.

Mayor Murphy asked whether there was an opportunity for the City of Pinole to partner with WestCAT on a possible survey given the changes in executive leadership and the post-pandemic environment to allow residents to provide systemic feedback. He suggested that could be something to be explored for this year. He thanked Mr. Thompson for a recent tour of the WestCAT facility and asked whether or not there was any strategic planning about the use of the WestCAT facility.

Mr. Thompson reported that WestCAT was at capacity and had no additional storage space at its current facility. WestCAT owned property located at the corner of San Pablo Avenue and Pinole Shores Drive but that property was intended for the additional parking of vehicles. He also clarified, when asked by the Mayor, there were challenges to providing extra seats and/or seat coverings for some of their bus stops given the need for ADA compliance and due to budget constraints. WestCAT had worked with developers to place bus shelters and seats as projects developed.

Mayor Murphy suggested that was another area where the City and WestCAT could possibly consider a partnership.

## **PUBLIC COMMENTS OPENED**

Rafael Menis, Pinole, spoke to the single point-to-point transfers between different agencies as one moved outside of the WestCAT area of influence and asked how that was different from Dial-a-Ride. He also asked why electrical buses and smaller vehicles would not work within WestCAT's service area, and commented that hydrogen was being used as green technology and a way to extend the timeline for existing companies to use their existing fossil fuel infrastructure before it was depreciated and before any transition to better technology.

Mr. Menis also commented on his understanding that Bay Area Rapid Transit (BART) was to refund links from the City of Pinole to the City of Martinez as compensation for not building a line to the City of Martinez. He asked whether BART had considered reestablishing that funding.

Mr. Thompson explained that Dial-a-Ride was available to seniors and the disabled and was only available in the WestCAT service area, with connections outside of the service area requiring connection to the East Bay Paratransit service, subject to eligibility. He also clarified that electric vehicles did not have the range to offer some of the trips WestCAT provided absent the required infrastructure in place. The reality was if there were electric vehicles on those routes, twice as many vehicles would be required and there had been various studies prepared on that topic. As previously stated, WestCAT did not have the storage capacity or the funding means for those purchases. He suggested in the long term WestCAT would likely have a mix of electric and hydrogen vehicles but in the near term hydrogen vehicles appeared more practical.

Mr. Thompson also clarified that BART had never funded service out to the City of Martinez but had operated express bus service into the Pinole Valley and two routes into the Hercules area until 1999. WestCAT had taken those services on in 1999 and had restructured them slightly due to some overlapping, but they did not go out to the City of Martinez. The Martinez route that WestCAT operated had been funded some time ago via a joint partnership between Contra Costa County Health Services and some funding from the City of Richmond, although those partners stopped providing funding over the years and it was now just a general obligation of WestCAT's funding with no BART funds involved.

## **PUBLIC COMMENTS CLOSED**

Mayor Murphy returned to Item 8, A2, at which time the City Council re-read the proclamation and recognized Seaborn Hunter Chiles as Firefighter of the Year for 2023.

Firefighter Seaborn Hunter Chiles thanked the City Council for the proclamation he was honored to receive. He looked forward to serving the City of Pinole as a paramedic and firefighter as part of a professional Fire Department protecting the City.

Battalion Chief Jim Brooks thanked the City Council for the recognition and explained that Firefighter of the Year was very important since the selection had been made by the firefighters themselves.

Mayor Murphy further rearranged the meeting agenda and moved Item 7 to the end of the meeting.

## **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 Regular Meeting Minutes of the December 20, 2022 meeting.
- B. Receive the December 17, 2022 – January 17, 2023 – List of Warrants in the Amount of \$889,198.62 and the December 23, 2022 Payroll in the Amount of \$582,466.02 and the January 6, 2023 Payroll in the Amount of \$641,289.79.
- C. Resolution Continuing Authorized Remote Teleconference Meetings Pursuant to AB 361 **[Action: Adopt Resolution per Staff Recommendation (Casher)]**
- D. Report on the Impact of Governor Newsom’s February 28, 2023 End to the California State of Emergency Related to COVID-19 **[Action: Receive Report (Casher)]**
- E. Adopt a Resolution Approving the Recognized Obligation Payment Schedule for July 1, 2023 - June 30, 2024 (ROPS 23-24) for the Successor Agency in the Amount of \$4,743,203 **[Action: Adopt Resolution per Staff Recommendation (Guillory)]**
- F. Ordinance of the City Council of the City of Pinole Adding Chapter 2.64 “Criminal Background Checks” to the Municipal Code Relating to Access to State and Federal Level Summary Criminal History Information **[Action: Waive 2<sup>nd</sup> Reading and Adopt Ordinance per Staff Recommendation (Casher)]**
- G. Second Reading of an Ordinance Adding Chapter 2.62 “Code of Ethics and Conduct” to the Pinole Municipal Code **[Action: Waive 2<sup>nd</sup> Reading and Adopt Ordinance per Staff Recommendation (Casher)]**
- H. Adoption of Resolution Authorizing the City Manager to Execute Agreements for Building Permit Plan Check Services and On-Call Building and Code Enforcement Staff Augmentation with 4leaf Inc., Interwest Consulting Group, Inc., SHUMS Coda Associates and TRB and Associates, Inc. and Authorizes a Total of \$800,000 from Planning and Building Fund to Support Professional Building and Code Enforcement Services Over a Four-Year Period **[Action: Adopt Resolution per Staff Recommendation (Whalen)]**
- I. Award a Contract to West Valley Construction Company, Inc. to Provide Engineering Design Services for Pinon-Phase 1 Sanitary Sewer Project (CIP Project #Ss2201) **[Action: Adopt Resolution per Staff Recommendation (Mishra)]**

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, referenced Item 9H, Page 81 of the agenda packet, and the fact that Interwest Consulting Group, Inc. was desirous to negotiate the terms of the consulting agreement related to the firm's indemnity obligations. He asked the City Attorney what was being disputed.

City Attorney Eric Casher explained that indemnity obligation was a term that was negotiated in many consulting agreements but he would have to get back to Mr. Menis on what had been negotiated since he was uncertain the requested change had been included in the agreement.

Irma Ruport, Pinole, also speaking to item 9H, asked why the City did not consider part-time personnel to do some of the work given that there had been problems in the past with building permits and code enforcement. She suggested the outlined tasks should be done in-house, allowing staff to learn what needed to be done and be trained. She suggested this contract be re-negotiated and some of the funds earmarked for this item be used for other expenses, such as reopening City Hall on Fridays. She pointed out additional personnel had been hired, the City should be working to hire the right people to do the work, and if the item was not time sensitive, it should be continued to the next meeting of the City Council.

#### **PUBLIC COMMENTS CLOSED**

Community Development Director Lilly Whalen outlined Item 9H, as shown, which she described as being in two parts. The first part involved agreements for building permit plan check services and on-call building and code enforcement staff augmentation, which would be used in the event of staff absences or illnesses in order to quickly continue the work of staff so that projects did not fall through the cracks and continue to move forward, or if staff was busy with larger projects that required daily inspections where staff did not have the level of staffing for such inspections. Staff augmentation allowed staff to retain the same level of service to the community.

The second part of the item, issuing agreements for a plan check firm, was also clarified. While the City did have an in-house building official position that had the ability to examine plans and perform plan checks, that position also involved other duties. The majority of plan check was required to be outsourced, which was typical for cities the size of Pinole. It was not feasible to have that position be a paid staff position when projects were not as plentiful and when there would not be the fees available to support the cost for that staff position.

City Manager Andrew Murray reiterated it was not cost effective for the City to staff up with paid employees when it would require a boom in applications or project applications that required a great deal of expertise to support those positions. He pointed out the City had made a number of changes over the years to provide in-house staff positions to improve capacity and continuity of work and he detailed some of those positions and costs at this time. He suggested Consent Item 9H was a thoughtful item and allowed the City to have the expertise when needed.

Council member Tave referenced Item 9E and clarified with Finance Director Markisha Guillory the Recognized Obligation Payment Schedule for July 1, 2023 through June 30, 2024 (ROPS 23-24) for the Successor Agency in the amount of \$4,743,203, was the last payment, with the staffing cost and administrative overhead being allocated to the Administrative Budget and paid by the Redevelopment Property Tax Trust Fund (RPTTF) Account for the Successor Agency ROPS.



Finance Director Guillory also highlighted Attachment C, Administrative Budget, as shown in the January 17, 2023 staff report for Item 9E, and commented that some staff positions, including hers, had been allocated to the Successor Agency budget and paid by the RPTTF, to maintain and manage the finances for the Successor Agency. Once they filed the last and final ROPS and closed it out, those expenditures would be charged to the General Fund, with the offset, property taxes would increase which had been built into the Long-Term Financial Plan (LTFP), with an increase in the City's property taxes and General Fund in FY 23/24, of approximately one million dollars.

**ACTION: Motion by Mayor Pro Tem Toms/Council member Tave to approve Consent Calendar Items 9A through 9I, as shown.**

<b>Vote:</b>	<b>Passed</b>	<b>5-0</b>
	<b>Ayes:</b>	<b>Murphy, Toms, Martinez-Rubin, Sasai, Tave</b>
	<b>Noes:</b>	<b>None</b>
	<b>Abstain:</b>	<b>None</b>
	<b>Absent:</b>	<b>None</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. Adoption of the 2023-2031 Housing Element and Approval of a Notice of Exemption Pursuant to CEQA Guidelines Section 15061 (b)(3) [Action: Adopt Resolution per Staff Recommendation (Whalen)]**

Community Development Director Whalen introduced Dan Wery, Housing Element Specialist and Shannon Liska, Planner with Michael Baker International (MBI), the firm hired to complete the City of Pinole's Housing Element Update as well as the Environmental Justice (EJ) Element and updates to the Safety Element. She provided a PowerPoint presentation on the 2023-2031 City of Pinole Housing Element Update, which included an overview of the purpose of the state required Housing Element and the City's vision for future growth, with the plan to accommodate the City's required Regional Housing Needs Allocation (RHNA).

Updates to the Safety Element and creation of a new EJ Element would be addressed on a separate track and timeline from the Housing Element Update and was expected to be published for public review in February/March with City Council adoption in May/June 2023.

The City of Pinole's RHNA for the 2023-2031, 6<sup>th</sup> Cycle was 500 units in various income categories including 60 units for Extremely Low, 61 Units for Very Low, 69 units Moderate and 223 units for Above Moderate Incomes.

The contents of the Housing Element included a review of accomplishments, needs assessment, housing resources, constraints, Affirmatively Furthering Fair Housing (AFFH) and an implementation plan.

The project timeline and work done on the Housing Element including all public meetings through 2022 was highlighted, with a draft of the Housing Element having been submitted to the State Department of Housing and Community Development (HCD) for review on December 2, 2022, and with Planning Commission review of the Housing Element in mid-December 2022.

The Planning Commission recommendations had been included as Attachment C to the January 17, 2023 staff report. The Planning Commission had acknowledged during its December 12, 2022 meeting that due to the tight timeline, no changes were being recommended to the current Housing Element, although it was noted that further housing opportunities and policies could occur independent of the Housing Element or subsequent revisions to the Housing Element at a later date.

Dan Wery, Housing Element Specialist, MBI, continued the Power Point presentation and highlighted the three main components of the Housing Element including goals, policies and actions, with 22 recommended Housing Programs. The goals of the Housing Element included goals for housing production and adequate sites to meet the RHNA, housing to meet the needs of all income levels and special needs groups, removal of government constraints, conserve, preserve and improve the housing stock, AFFH and provide housing education and community outreach.

Conserve, Preserve and Improve the Housing Stock included programs for rehabilitation assistance, acquisition/rehabilitation for properties and below market rate (BMR) regulations and conversions. Housing Production Programs included a provision of adequate sites and site inventory monitoring, publicize and promote residential sites inventory, outreach and technical assistance to applicants, facilitate Accessory Dwelling Unit (ADU) production, incentives for mixed-used developments, development of Housing Successor Agency's Low and Moderate Income housing Asset Fund Policy, affordable housing for Extremely Low Income households and persons with disabilities, senior housing incentives and home sharing and tenant matching.

Constraint Removal Programs included zoning amendments, objective design standards and State Bill (SB) 35 streamlining, fee evaluation and publicization and permit streamlining. AFFH included programs for place-based improvements, fair housing resources and services and displacement prevention/housing mobility. Housing Education and Community Outreach included programs on housing resources and education and ADU, Junior (JADU), and Senate Bill (SB) 9 education and promotion.

Mr. Wery provided an overview of a number of Housing Programs including Program 4: Facilitate ADU Production; Program 8: Housing for Extremely Low Income Households and Persons with Disabilities; Program 9: Senior Housing Incentives; Program 11: Zoning Amendments; Program 19: Fair Housing Resources and Services and Program 21: Housing Resources and Education.

Mr. Wery also highlighted the changes to the Housing Element following City Council direction on November 5, 2022, which included updates to the RHNA sites inventory (addition of the former Kmart property); AFFH Chapter updated with changes to maps and charts; addition of a glossary of commonly used terms; translation and interpretation services; construction cost estimates data updates; more collateral examples added to the community engagement section; public review and revisions summary enhanced and housing plan programs updated, expanded and clarifications provided.

The most recent sites map which included the former Kmart/Pinole Vista site, revised sites map, list, and AFFH and Sites Chapter and added No Net Loss backup inventory was provided and the RHNA Strategy Revisions and public engagement efforts were further highlighted.

Mr. Wery also provided an overview of the environmental review for the Housing Element and reported the Housing Element Update was exempt under the California Environmental Quality Act (CEQA), pursuant to Section 15061 (b)(3).

Mr. Wery recommended the City Council adopt the resolution contained in Attachment A to the staff report, which amended the City of Pinole's General Plan to incorporate the 6<sup>th</sup> Cycle 2023-2031 Housing Element and adopt a Notice of Exemption from expanded environmental review pursuant to CEQA, Section 15061 (b)(3). In terms of future actions and possible re-adoption of the Housing Element, a subsequent amendment to the Housing Element may be necessary based on feedback from HCD. The Housing Element may be re-adopted along with the EJ and Safety Elements in the May/June timeframe.

Council member Martinez-Rubin appreciated the fact that a number of the housing programs had been based on a number of data sources and research conducted during the process including public input, but was dismayed the public surveys had resulted in limited responses. She was curious how the goals would be implemented and asked how the City Council may assist in acquiring funding sources that could become available to meet those goals.

Community Development Director Whalen suggested the first step was the adoption of the Housing Element since the City would not be eligible for funding sources absent a certified Housing Element. There was an implementation plan in the Housing Element that planned out the activities in the eight-year cycle of the 6<sup>th</sup> Cycle Housing Element with milestones and targets for each of the programs outlined. As part of the annual budgeting process, she planned to go through the Housing Element Work Plan and make requests for funding as needed, as well as pursue grant funding opportunities. The City was also required to annually look at the prior year's activities and report on the status of the implementation of programs in the Housing Element. The City Council would be provided an annual report which would be forwarded to the state to identify the City's progress on meeting Housing Element programs.

Council member Sasai thanked City staff and the stakeholders involved in the process of updating the Housing Element. He understood the Planning Commission had reviewed the document and had offered a number of recommended policies and programs for City Council consideration during a meeting in October 2022, including a Just Cause Eviction Ordinance, and asked staff to provide clarification on the status of that ordinance.

Community Development Director Whalen explained that the City Council may consider a separate track for a Just Cause Eviction Ordinance from the Housing Element, which could be a program operating independent of the Housing Element, with goals and policies in the Housing Element to support such a program. Or, the City Council may amend the Housing Element and include a policy and a program to work on, explore or adopt a Just Cause Eviction Ordinance. Staff recommended that time be taken to develop such an ordinance that would include stakeholder input and could involve a lengthy process.

Council member Sasai commented as the City built more housing and welcomed more residents and tenants, it had to prioritize tenant protections.

Councilmember Sasai reported he had constituents reach out to him facing eviction, expressing concern with a lack of adequate notice or uncooperative landlords. He suggested more tenant rights programs or a Just Cause Eviction Ordinance should be considered and discussed further.

Council member Tave found the Housing Element had a lot of good information, was comprehensive and should be approved by the City Council.

Mayor Pro Tem Toms thanked staff and the Housing Element Consultants for the work on the Housing Element given the accelerated timeline and large RHNA. Based on the information provided, she understood a joint Planning Commission and City Council meeting had been planned for July and she asked of the purpose of that meeting.

Community Development Director Whalen clarified the reference to a joint Planning Commission and City Council meeting had been part of the overview of meetings held in 2022 on the Housing Element, with a joint meeting having been held in July 2022. If the Housing Element were to be re-adopted, it would make sense to consider it at the same time as the Safety and EJ Elements, also in the June/July 2023 timeframe.

Mayor Pro Tem Toms asked whether feedback from HCD included consideration of a Just Cause Eviction Ordinance, to which Mr. Wery stated that was not something HCD required. It varied city by city, with HCD leaving that up to the individual jurisdiction to include.

Mayor Pro Tem Toms also clarified with Mr. Wery that MBI had checked all of the boxes HCD wanted to see in the Housing Element Update.

Mayor Murphy also commended the work of City staff and MBI on this Housing Element Update effort. He was proud of the progress made, housing already developed, and the intertwining of issues that reflected the team involved. He would have liked to have seen what had been added or not added as part of the Housing Element Update based on recommendations from the Planning Commission and the City Council.

Mr. Wery stated that information had been included in the Power Point presentation as part of his overview of the Housing Element Revision Summary, which he again summarized.

Mayor Murphy wanted to see the City dig into tenant protection programs more with data sets from tenants in Pinole that could assist the City Council to understand the issues and potential solutions. He also clarified with Mr. Wery the RHNA, the RHNA Strategy Revisions, Site Inventory, projection of ADUs, and new sites recommended to make up the balance of the RHNA over the next eight years of the Housing Element cycle.

Community Development Director Whalen described in response to the Mayor the process as part of the RHNA Strategy Revisions, with a review of the maps, possible housing sites, and determination of how many units could be built on the available sites based on available facts and figures. As previously discussed, the state required the City to show it had the capacity to meet its RHNA of 500 units in the various income categories, with the maps and data showing the City had the capacity for 771 units, in addition to reserve sites.

Mayor Murphy asked that the Housing Element Update include the City Council and staff who had participated in the editing of the Housing Element Update and Mr. Wery confirmed that credit could be made to the document.

#### **PUBLIC HEARING OPENED**

Rafael Menis, Pinole, thanked staff for Table 1, Housing Capacity, as shown on Page 382 of the agenda packet and as shown in the staff report, which flagged what the City had already achieved and planned to accomplish for the various income categories. As to the Non-Vacant Opportunity Site Capacity, he asked if the owners of those sites shown preferred not to be included in the Housing Element capacity whether the sites would be removed from the pool of available housing sites, particularly for the Low Income housing category. As a member of the Planning Commission, he looked forward to future discussions absent a time constraint and looked forward to a continuation of the process.

Irma Ruport, Pinole, appreciated the work done on a very good document. She referenced correspondence received from Californians for Homeownership, YIMBY Law and CalHDF, dated January 17, 2023. She asked when the correspondence had been received and asked the City Attorney to opine on the letter. She also commented that the letter had referenced that the City Manager had received a letter from the same groups dated December 16, 2022, and she asked if that letter had been made public and why it had not been attached to the staff report.

#### **PUBLIC HEARING CLOSED**

City Attorney Casher explained that he had received the correspondence referenced and dated January 17, 2023 this date and had a chance to review the letter. He understood the interest groups wanted to ensure the City was complying with the standard process, which the City was doing as required. In the event HCD offered potential suggestions for changes, the City Council would revisit the Housing Element and address those concerns. Once HCD had certified the Housing Element, the City Council could adopt and formalize the Housing Element. He understood the authors of the letter had concerns with the process and a number of cities had received the same letter. He commented on the timing challenges around the approval of the Housing Element, particularly since HCD was not providing a 120-day grace period for the 6<sup>th</sup> Cycle Housing Element that had normally been provided to cities in the past.

City Manager Murray added the City had received numerous letters and information on various issues and had provided the salient facts in the staff report. It was not normal practice to include every piece of communication received in the staff report.

City Clerk Bell reported the communication received had been posted on the City website.

In response to Council member Tave, Mr. Wery stated it had been the practice of HCD to meet with staff and the Housing Element consultants prior to submittal of a final letter from HCD allowing the opportunity to review initial comments and possibly address them and make revisions in the hopes of receiving a letter of substantial compliance from HCD. He expected to meet with the HCD reviewers prior to the end of the month as part of that process. As previously discussed, a Just Cause Eviction Ordinance was a great program to pursue but needed its own process, did not require an amendment to the Housing Element and could be considered on a parallel track.

Mayor Pro Tem Toms suggested if the City wanted to consider a Just Cause Eviction Ordinance it could be done outside of the Housing Element since it was not a requirement of HCD and since staff already had a list of 21 plus programs to work with at this time. She did not recommend a Just Cause Eviction Ordinance be part of that program list.

Mayor Murphy again suggested the Housing Element Update be revised to include credits to City staff and other participants.

City Manager Murray clarified the City Council had previously requested a future agenda item for a joint meeting between the City Council and Planning Commission prior to March 2023, and that would be scheduled with a specific date to be determined.

**ACTION: Motion by Council members Martinez-Rubin/Tave to adopt a resolution of the City Council of the City of Pinole Adopting General Plan Amendment 22-01 Updating the Housing Element of the General Plan for the Period of 2023/2031, and Finding that the Project is Exempt from Additional Environmental Review Through the Adoption of a California Environmental Quality Act (CEQA) Exemption Pursuant to CEQA Guidelines Section 15061 (b)(3).**

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

**11. OLD BUSINESS: None**

Mayor Murphy moved onto Item 12B prior to Item 12A.

**12. NEW BUSINESS**

- B. Receive and Accept the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year (FY) Ended June 30, 2022 [Action: Receive Report (Guillory)]**

Finance Director Guillory presented the staff report and recommended the City Council review and accept the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year (FY) Ended June 30, 2022. She took the opportunity to thank Finance Department staff for their contributions and work on the City's financial management, participation in the year-end audit and participation in preparing the ACFR, and City staff for its participation as part of the year-end audit.

Ahmed Badawi, President, Badawi and Associates, provided an extensive PowerPoint presentation on the results of the FY 2022 audit, which highlighted the engagement team, deliverables and scope of the audit, areas of primary emphasis, Auditor's Report and financial statements, required communications and new accounting standards.

Council member Martinez-Rubin clarified with Mr. Badawi the reference in the ACFR to "conduit debt" was a debt where the City was not ultimately obligated to make payment. As an example, for Assessment District or Community Facility District Bonds, the ultimate responsibility to repay those bonds was the property owners through assessments collected from the property owners.

The City would act as a conduit, a middle man, and collect the assessments to pay off the bonds, and the City was not responsible for coming up with additional funds to repay the bonds in the event the assessments were insufficient. Other debts such as Mello Roos debts were also highlighted.

#### **PUBLIC COMMENTS OPENED**

Rafael Menis, Pinole, referenced Page 1070 of the agenda packet, Page 13 of the ACFR, and the Revenue by Source chart, and asked that the pie chart, as shown, which had shown taxes and assessments at 104 percent be clarified, to which Mr. Badawi clarified the investment earnings were negative with the total still at 100 percent.

Mr. Menis commented the segment of the pie chart as shown on Page 13 of the ACFR was not 104 percent of the pie chart, and suggested it could be labeled differently and may be a flaw of the pie chart method working with values over 100 percent, and possibly a bar chart should have been used. He also asked about the cause for the differences in the expected and actual experiences in 2022 and 2020, as shown on Page 1152 of the agenda packet and Page 95 of the ACFR under Notes to Required Supplementary Information for the Year Ended June, 2022. On Pages 1155 and 1081 of the agenda packet, the charts had shown a break between the column, with all information for the chart and with the chart having shifted onto another page, and which appeared to be a flaw in the formatting which should be corrected if possible.

For Page 1067, Page 10 of the ACFR, Mr. Menis asked if the public safety increases shown were one-time or ongoing costs. Page 1151 of the agenda packet had shown that the City's proportionate share of the net pension liability had dropped substantially but the fiduciary net position had improved, which was expected given covered payroll increases, and the percentile proportion had also increased. He asked for clarification on the figures shown.

As to Page 1179 of the agenda packet and the discussion of the American Rescue Plan Act (ARPA) funds, Mr. Menis understood the amounts would be allocated for FY 2021/22 and 2022/23, but in terms of actual amounts the funds had been shown to be allocated in a smaller rate, and he requested a clarification of that section. Page 1202 of the agenda packet had shown the State of California status had reflected the City of Pinole as having a loss in population for specific fiscal years, as shown on this page, but elsewhere in other documents in the agenda packet, the population figure for the City had been shown differently. He asked why there had been such a drastic drop in the population that had offset population growth since 2013, and questioned whether or not the information was reliable in terms of the Department of Finance estimates. Page 1206 of the agenda packet had shown that the number of police patrol units in 2022 had been reduced, he assumed due to available staffing levels, injuries and disability leave and the like and he asked for clarification for that change. He reported he had additional questions he would submit to staff in writing.

Mayor Murphy asked that staff get back to Mr. Menis with a response to his questions and he requested that the staff responses be reflected in the meeting minutes.

City Clerk Bell clarified the staff responses would not be reflected in the meeting minutes since the minutes were a reflection of the meeting.

The questions raised by Mr. Menis would be included in the meeting minutes with the staff responses/answers memorialized and posted on the City website. That information would not be attached to the meeting minutes since the minutes must come before the City Council for approval after staff review. City Clerk Bell recognized this issue had come up in the past with a desire that responses to questions be memorialized in the meeting minutes and staff could return with some suggestions after a review of the Council procedures.

Mayor Pro Tem Toms recommended the questions asked directly of staff should be provided before the meeting to allow staff the opportunity to respond, which would also allow the questions and answers to be part of the record.

Council member Tave understood there were challenges given the timing of the distribution of the agenda packets for the public to provide questions prior to the meeting.

City Manager Murray suggested this topic could be discussed as part of the meeting procedures. He commented that many jurisdictions handled the public comment period differently and that the City of Pinole had changed its process quite a bit and it was a question whether the City Council wanted to formalize the process of having staff respond to questions raised during the public comment period and made part of the record, which was an unusual process. He noted that City staff responded to questions oftentimes on different topics that may or may not be agendaized, which was not attached to agenda packets. He suggested there were two distinct issues, how staff responded to questions from members of the public and how what had been discussed was recorded and decided by the City Council.

City Manager Murray asked that staff be able to conduct some research to respond to Mr. Menis' questions and staff would copy the members of the City Council with responses.

Cordell Hindler, Richmond, thanked the Finance Director and Mr. Badawi for the presentation. He liked the presentation as is and hoped the City Council would approve the ACFR.

#### **PUBLIC COMMENTS CLOSED**

City Attorney Casher explained that no motion was required since the item was a report only.

#### **A. Council Meeting Format [Action: Discuss and Provide Direction by Minute Order (Bell)]**

City Clerk Bell presented the staff report and recommended the City Council direct staff to do the following by minute order: 1) continue using a hybrid meeting model to enhance public participation and access to City Council meetings; and 2) discontinue spaced seating protocol in the Council Chambers for Council meetings.

Mayor Pro Tem Toms clarified with the City Clerk that the spaced seating protocol in the Council Chambers would be for the City Council and the public and the podium would be relocated as needed.

City Clerk Bell clarified in response to Council member Martinez-Rubin that masking and hand sanitizer measures would remain in place.



In response to Council member Sasai, City Clerk Bell explained if the resolution was approved by the City Council pursuant to the staff recommendation, it would authorize staff to operate under AB 361 until the expiration of the local emergency on February 28, 2023, and the first City Council meeting in March would fall under the new regulations.

#### **PUBLIC COMMENTS OPENED**

Rafael Menis, Pinole, commented he had reviewed the Contra Costa Health Department reports from March 2020 and he reported on the number of recorded COVID-19 cases in Contra Costa County at this time as compared to the current case rate. He disputed that the rate of transmission was less than at the start of the State of Emergency. While the Governor had decided to end the State of Emergency in February 28, 2023, he asked what metrics were being used for the City to end its State of Emergency given there was still substantial and sustained COVID-19 cases in the community. He recognized that making changes in the seating arrangement in the Council Chambers would not likely change much, but impacts on the attendance requirements may have some impacts on City Boards and Commissions since some Board and Commission members had preferred to participate remotely. He found the new regulations as part of AB 2249 would limit just cause for a Board or Commission member to meet remotely for two meetings a year, which may push some who may be uncomfortable attending in-person meetings from participating in those meetings.

Cordell Hindler, Richmond, stated he had participated in a meeting in Berkeley when the same topic had been discussed. He hoped the City would retain the hybrid meeting format for at least the next 30-days. He had attended other meetings in the Bay Area, had worn a mask, and suggested the protection was a good idea. He otherwise supported the staff recommendation.

Anthony Vossbrink, Pinole, echoed the comments offered by Mr. Menis and agreed that some had not taken the COVID-19 numbers seriously for the past two years. He disagreed with playing down the numbers and urged the City Council to spend more time taking serious the pandemics in the world and take time during each meeting to report on and communicate with the public on the status of COVID-19 and other variants.

As to Brown Act requirements, Mr. Vossbrink wanted to see City staff and the City Attorney do a better job addressing the public, with all access telephone numbers and web ID information provided throughout the duration of City Council meetings to ensure transparency. He suggested there had been Brown Act violations in the past, in terms of providing access for the public to speak and showing more favoritism to some more than others.

#### **PUBLIC COMMENTS CLOSED**

Council member Martinez-Rubin asked that staff provide additional information to the City Council on the regulations of AB 2249, specifically related to the time period to notify the City Council about an absence.

City Clerk Bell agreed that the timing was key for the new change and that information would be included in any information provided to the City Council and the public.

City Attorney Casher clarified that although AB 2249 would go into effect February 28, 2023, the old Brown Act rules still applied. A City Council member or a member of a City Board or Commission may still attend a meeting remotely but must disclose their physical location and members of the public may attend that location.

**ACTION: Motion by Council members Tave/Sasai to direct staff to do the following by minute order: 1) continue using a hybrid meeting model to enhance public participation and access to City Council meetings; and 2) discontinue spaced seating protocol in the Council Chambers for Council meetings.**

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

Mayor Murphy returned to Item 7.

## **7. REPORTS & COMMUNICATIONS**

### **A. Mayor Report**

#### **1. Announcements**

Mayor Murphy reported a Mayoral Video Update had been released as part of the City's Communication and Engagement Plan. The videos would be released monthly, accessed on the City's social media sites and on his personal social media pages. He also reported he had attended the Mayors' Conference and looked forward to representing the City of Pinole at future conferences. He also looked forward to joining the West Contra Costa Unified School District (WCCUSD) community at West County Mandarin School on February 6 for the Lunar New Year celebration which was open to the public.

Mayor Murphy also congratulated the Pinole Valley High School Spartans State Champions with a proclamation to be presented at a future meeting. He hoped the community would join with the WCCUSD on February 4 at 11:00 a.m. for a parade and rally in support of the Spartans. In addition, the Pinole Rotary Club Annual Crab Feed had been scheduled for February 4, at which time the Pinole Police Officer and Firefighter of the Year would be honored. Ticket information was available on the Rotary website.

Mayor Murphy added the City was seeking interested applicants for the Planning and Community Services Commissions and the Traffic and Pedestrian Safety Committee (TAPS).

**B. Mayoral & Council Appointments: None**

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

Mayor Pro Tem Toms reported she had attended a WestCAT meeting and briefed the Council on the approval of software for a database to collect ridership data.

Mayor Pro Tem Toms also reported on a discussion on MTC Network Management and short-range transit plan and WestCAT meetings, currently remote, would resume meeting in-person in March in the Council Chambers. She added that some seats would be open on the WestCAT Board with more information available via Contra Costa County Supervisor John Gioia and Federal Glover's Offices. She had also attended a meeting of the Wildfire Prevention Working Group, at which time a Draft Memorandum of Understanding (MOU) with other East Bay jurisdictions had been discussed with the purpose of working on grants, vegetation management and other prevention measures.

Council member Tave reported he had attended a RecycleMore Board meeting and briefed the Council on the discussions. He looked forward to attending the next meeting of WCCTAC.

Council member Martinez-Rubin reported she had attended a League of California Cities Policy Orientation Committee meeting and briefed the Council on the discussions. The meetings were open to the public with more information available on the League of California Cities website.

Council member Sasai reported he had attended the WestCAT Board meeting. He invited everyone to the Bay Front Chamber of Commerce Mixer scheduled for January 19 from 5:00 to 7:30 p.m. at the Grand at Bayfront Apartments, 2200 John Muir Parkway, Hercules. He wished everyone a Happy Martin Luther King Jr. Day and a Happy Lunar New Year.

#### **PUBLIC COMMENTS OPENED**

Cordell Hindler, Richmond, stated he would try to attend some of the meetings identified.

#### **PUBLIC COMMENTS CLOSED**

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

Council member Tave requested a memorandum prepared by Recreation Manager Maria Picazo and dated January 3, 2023 regarding the Senior Center Renovations be considered as a future agenda item for a discussion of the renovations. Consensus given.

Council member Martinez-Rubin requested a discussion of legislative review and action processes for the City of Pinole be considered as a future agenda item. Consensus given.

Council member Sasai requested a discussion of a Just Cause Eviction Ordinance be considered as a future agenda item, to be scheduled for the February 21, 2023 City Council meeting.

Mayor Pro Tem Toms suggested a specific date not be included since the item would involve staff review. She recommended the item be referred to the Municipal Code Update Subcommittee.

City Manager Murray suggested that February 21 was not possible for staff to return with an introduction to a potential ordinance given the public noticing requirements, although staff could provide information on common program types and elements as background information. It may displace another item for that meeting date but that could be discussed with the Mayor. Consensus given.

Mayor Murphy requested a discussion for a resolution for a Memorandum of Commitment/Memorandum of Understanding to join the Alliance for Renewable Clean Hydrogen Energy Systems, as a future agenda item.

Council member Martinez-Rubin sought more background information before a discussion of the item.

City Manager Murray explained that both the scope of the item including the background, or an item with background and an opportunity for the Council to take action could be considered.

Mayor Pro Tem Toms clarified with the Mayor a standard MOU was available and Mayor Murphy stated legal counsel would review the MOU prior to the item being placed on the agenda. Consensus given.

Mayor Murphy requested a proclamation recognizing Lawrence Chui, a recently-retired long-time U.S. Postal Worker to be considered as a future agenda item. Consensus given.

Mayor Murphy requested presentations from the California Department of Financial Protection and Innovation and East Bay Public Bank as future agenda items. Consensus given.

#### **PUBLIC COMMENTS OPENED**

Cordell Hindler, Richmond, requested proclamations recognizing Black History Month, the Pinole Valley High School Spartan Football Team and a presentation on how the Port of Oakland was recovering from the pandemic as future agenda items.

Irma Ruport, Pinole, requested status reports of the Food Bank at the Senior Center and the Animal Shelter.

Anthony Vossbrink, Pinole, requested a status report on the City's public overall health, safety and quality of life in the short and long term; a formal traffic study up and down Pinole Valley Road, with a suggestion to replace existing stop lights with other calming measures such as stop signs or rubberized speed bumps; reduce the number of street lights along Pinole Valley Road which may eliminate carbon emission; and consideration of a satellite police station along Fitzgerald Drive due to the high rate of crime as future agenda items.

Mayor Murphy reported a proclamation for Black History Month had been scheduled for the February 7 City Council meeting; Pinole Valley High School student accomplishments would be honored on February 4 as previously reported; the status of the Food Bank program was an agenda item for the February 7 City Council meeting; and there would be additional items on the February 7 City Council meeting agenda related to climate action. The public was invited to attend those meetings and provide input.

#### **PUBLIC COMMENTS CLOSED**

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

City Manager Murray briefed the City Council on the tentative agenda items for the February 7 City Council meeting.

The City Manager also reminded everyone of two community engagement events including Coffee with the City Manager and Assistant to the City Manager, at City Hall on January 26 from 8:30 to 9:30 a.m., and as part of the Community Engagement Plan, incremental changes and improvements were being made to some of the City's platforms.

City Manager Murray anticipated later in the year the City would transition to a new web-service platform with better up-time that would be more user friendly. Also, the first community workshop for the Climate Action and Adaptation Plan would be held on January 26 from 6:00 to 8:00 p.m. in the Council Chambers.

Council member Tave referenced a report the City Council had received on February 14, 2022 about cracked sealing and patched paving work ongoing in the City and he had received a number of questions from the public about the status of the ongoing work. He asked the City Manager to return with information on the number of linear feet of cracked sealing work done on a monthly basis and how much patched paving square footage or pot holes had been filled on a monthly basis, with street names identified. He suggested this information could be provided as part of the City Manager's Report once a month towards the last meeting of each month, which would provide transparency to the public. He offered a motion to that effect.

City Manager Murray interpreted the recommendation as direction to staff and no motion was necessary.

Mayor Murphy preferred the direction be formalized in a motion.

**ACTION: Motion by Council member Tave/Mayor Murphy to direct the City Manager to return with information on the number of linear feet of cracked sealing work done on a monthly basis and how much patched paving square footage or pot holes had been filled on a monthly basis, with street names identified, to be provided as part of the City Manager's Report once a month towards the last meeting of each month.**

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

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

City Attorney Eric Casher reported the Municipal Code Ad-Hoc Subcommittee would next meet on January 30 to discuss updates to code enforcement, election campaign signs, a Single-Use Plastic Ordinance, and time permitting possibly direction on a Just Cause Eviction Ordinance.

#### **PUBLIC COMMENTS OPENED**

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

#### **PUBLIC COMMENTS CLOSED**

### **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, found the City Council had cut people off from speaking on items they wanted to speak to and given the lateness of the hour, suggested his voice had not been heard. He suggested there was a lack of transparency and the public should be heard. He also reported during the meeting of December 20, 2022 the City Council had considered an item for City Council training, and he clarified the City of Richmond charged people \$55 per person to attend the Mayors' Conferences. He otherwise commented that while he would like to attend Pinole City Council meetings, the meetings were too lengthy and he urged the City Council to consider reducing the number of agenda items to allow the public to participate.

Irma Ruport, Pinole, wished everyone a Happy New Year and looked forward to a better year with the community. She disagreed with the prior speaker, suggested the City Council was doing great and time limits for public comment were necessary. The public was allowed the opportunity to speak at the beginning and end of each meeting.

Anthony Vossbrink, Pinole, commented that citizens like himself had stepped up to the plate and reported on issues in the community and deserved more respect by the Mayor, City Council and some City staff. He spoke to the Brown Act rules and suggested they should not only benefit the City Council but the public as well. He echoed the comments offered by Mr. Hindler, and asked for additional time for members of the public to complete their comments after waiting late in the evening, and that speakers be treated with more dignity and respect.

Mr. Vossbrink requested an update on a request from the former Mayor, Mr. Menis and himself to the City Manager regarding the status of the caretaker's property which was in disrepair and full of weeds. He commented it had taken time for dead trees to be removed and there were numerous code violations on the front and back of the property, an issue that had been raised with City staff on numerous occasions, along with needed street light repairs up and down Pinole Valley Road and Henry Avenue to the Trader Joe's Shopping Center area. He thanked the City Council for its help in 2022 and looked forward to a better year moving forward.

Mayor Murphy advised an update on the caretaker's home would be provided at the next meeting of the City Council.

Council member Martinez-Rubin requested the meeting adjourn in memory of Marcia Kalapus, a long-time member of the City of Pinole, a long-time health care worker and member of the Pinole Historical Society, and she asked that everyone raise their glass in a toast to health care workers.

**14. ADJOURNMENT** to the Regular City Council Meeting of February 7, 2023 in Remembrance of Amber Swartz and Marcia Kalapus.

At 10:58 p.m., Mayor Murphy adjourned the meeting to the Regular City Council Meeting of February 7, 2023 in Remembrance of Amber Swartz and Marcia Kalapus.

**Submitted by:**



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

**Approved by City Council: February 7, 2023**

