

**CITY COUNCIL MEETING
MINUTES
February 21, 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 5:03 p.m. and led the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT

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

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

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

A. COUNCILMEMBERS PRESENT

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
Markisha Guillory, Finance Director
Sanjay Mishra, Public Works Director
Lilly Whalen, Community Development Director
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on Thursday, February 16, 2023 at 4:00 p.m. with all legally required written notices. No written comments had been received in advance of the meeting, but a correction memorandum and revised attachment for Consent Calendar Item 9K had been distributed to the City Council and made available to the public in the Council Chambers and posted online.

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 LABOR NEGOTIATORS

Gov. Code § 54957.6

Agency designated representatives: City Manager Andrew Murray, City Attorney Eric Casher, Human Resources Director, Stacy Shell, Gregory Ramirez, IEDA
Employee organizations: Pinole Police Employees Association (PPEA), AFSCME, Local 1, Local 512, and Management Compensation Plan (MCP)

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Gov. Code § 54956.8

Property: 612 Tennent Avenue

Agency negotiator: City Manager Andrew Murray, City Attorney Eric Casher, Community Development Director Lilly Whalen, Suzy Kim (RSG), Sanjay Mishra, Public Works Director

Negotiating Parties: Leonard Williams – LDW Investment Group

Under Negotiation: Price and Terms

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

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

At 5:45 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, updated the City Council on the current COVID-19 case rate for the City of Pinole which had decreased and was lower than last reported. He thanked the community for keeping the transmission rate down, a trend he hoped would continue down to zero as the communities of Diablo and Bethel Island currently enjoyed. He also announced upcoming community events that included the Community Services Commission meeting on February 22, 2023 at 5:00 p.m. at City Hall; February 23, 2023 deadline for filling out the Climate Action Survey; Pinole Creek Cleanup scheduled for Saturday, February 25, 2023 at 10:00 a.m. with everyone asked to meet by the library/tennis courts area, and also on February 25, Congresswoman Barbara Lee would be holding an event in the City of Oakland, from 11:00 a.m. to 1:00 p.m.

Mr. Menis stated that Congresswoman Lee had recently announced her campaign to fill Senator Dianne Feinstein's seat, and he encouraged everyone to review her record and support her as they saw fit.

Irma Ruport, Pinole, announced the City of Pinole and the Contra Costa County Fire Protection District (CCCYPD) would be holding a Ribbon Cutting Ceremony for the reopening of Pinole Fire Station 74 on Saturday, March 4, 2023 from 11:00 a.m. to 1:00 p.m. She asked the City Council to consider the use of banners, signage and an announcement on Pinole Community Television (PCTV) to announce the opening of the station to the community.

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Murphy thanked PCTV and the City Manager's team for helping with the monthly Mayor's Updates. He congratulated and thanked the African American Student Union for hosting a Black History Month Celebration at Pinole Valley High School; and referred to the Ribbon Cutting Ceremony on March 4, 2023 for the reopening of Fire Station 74. Invitations had been sent out along with postings on the City's social media pages and the community was invited to participate.

Mayor Murphy reported he had been invited to host and join Collins Elementary School Principal Denise Steen and West Contra Costa Unified School District (WCCUSD) Ward Area-1 Trustee Jamila Smith-Folds to serve as a panelist for the Collins Elementary School Town Hall to discuss infrastructure issues and ways to ensure safe school campuses. He welcomed public input on those topics.

Mayor Murphy also reported that Contra Costa County would be investing almost \$3 million in various funds and grant opportunities for the Pinole Library to address deferred maintenance projects with the work expected to be completed by mid-2024. He extended an invitation to all interested parties to attend the West County Mayors' and Supervisors Association meeting to be hosted by the City of Pinole on Thursday, February 23, 2023 at 8:30 a.m. in the Council Chambers. Additionally, he looked forward to joining the Pinole Rotary Club, Friends of Pinole Creek Watershed and Pinole Creek allies on Saturday, February 25, 2023 for the Community Creek Cleanup from 10:00 a.m. to 12:00 p.m.

B. Mayoral & Council Appointments: None

C. City Council Committee Reports & Communications

Mayor Pro Tem Toms reported she had attended a League of California Cities discussion on the new CAL FIRE Maps that would impose impacts on all jurisdictions, and a WestCAT Board meeting where it had been reported that BART had funded the feeder bus system but planned major cuts to that funding which would have major impacts to WestCAT services. She had recently received a communication from the General Manager of WestCAT, who reported that WestCAT and BART had reached an agreement. Through BART and the Metropolitan Transportation Commission (MTC) there would be funding for this service and while there would still be some reductions in funding it would not be as severe.

D. Council Requests for Future Agenda Items: None

E. City Manager Report / Department Staff

City Manager Murray reported on March 1, 2023, the CCCFPD would assume responsibilities for the City of Pinole with a Ribbon Cutting and Grand Re-Opening Ceremony for the reopening of Fire Station 74 scheduled for March 4 at 11:00 a.m., which event had been communicated through the City's normal channels, with all residents to be notified via a letter describing the transition to the CCCFPD. He also provided a preview of the tentative agenda items for the March 7, 2023 City Council meeting.

City Manager Murray added the City Council had previously requested as part of the City Manager's Report a monthly update at the second City Council meeting of each month on street maintenance activities including pothole repair, minor patch paving and the sealing of cracks. There had been little to no street maintenance conducted thus far since the work was typically done during the summer months and there had been some outages in staffing, but a number of potholes created as a result of recent rains had been filled and more street maintenance activities would commence once the weather had improved.

Mayor Murphy asked the locations of pothole repair and City Manager Murray explained that staff was implementing a new asset management software system that would allow for the download of reports that provided such data and which could be included in future monthly updates.

F. City Attorney Report: None

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Day of Remembrance

The City Council read into the record a proclamation recognizing February 19, 2023 as the Day of Remembrance in recognition of the incarceration of Japanese Americans during World War II as part of Executive Order 9066 signed by President Franklin D. Roosevelt on February 19, 1942, which had resulted in the imprisonment of Americans of Japanese ancestry.

PUBLIC COMMENTS OPENED

Jim Oshima, representing the Contra Costa Japanese American Citizens League (JACL), commented on the impacts of Executive Order 9066 and the incarceration of his own family. He explained that JACL had represented Japanese Americans since 1932. He thanked the City Council for the proclamation, recognition of this moment in history and support in preventing such an event from happening to other Americans.

Yoko Olsgaard, President, Contra Costa JACL, thanked the City for the proclamation, a first from a local jurisdiction. She noted that JACL membership was diverse, the JACL intended a coalition with all minorities to avoid similar atrocities in the future and proclamations helped to send a message to the community, the Bay Area and the nation that such behavior would not be tolerated. She encouraged the City to reach out to the JACL Chapter in the Bay Area.

Council member Sasai explained that this proclamation was close to his heart given his grandparents had been incarcerated in internment camps. He appreciated the proclamation and the importance of recognizing the need to learn from the past and not to repeat the same mistakes in the future, and that elected officials make statements and stand up to inhumane treatment, which was as important then as now. He was pleased the City of Pinole had for the first time provided such a proclamation.

Rafael Menis, Pinole, thanked Council member Sasai for his comments on the direct impacts of Executive Order 9066 on his ancestors and appreciated the fact the government had provided some reparations for the actions of the past as noted in the proclamation. He otherwise spoke to the insidious nature of Executive Order 9066 and commented on the racial biases in the State of California at that time in that there could have been impacts to the Italian American population in the City of Pinole. He pointed out that racial bias did not stop at one community, ethnicity or race, when one decided to deprive someone of their Constitutional rights because of who they were, where they came from and because of their ancestry, which concept undermined all liberty. He urged everyone in the City to understand that this injustice could have impacted anyone and the arbitrary deprivation of liberty for any group in the community harmed everyone, not just then but in the future. He also thanked the former City Council for a letter in opposition to internment camps on the southern border in 2018.

Council member Martinez-Rubin reported the City of Pinole had a former Mayor of Japanese ancestry, Virginia Fujita, who had served in 2008 and had passed away in 2016, and whose strength was the moral character she brought to the City Council.

PUBLIC COMMENTS CLOSED

Mayor Murphy returned to Item 6, Citizens to be Heard at this time.

James Harris, Pinole, reported that large pine trees that were dead and on his neighbor's property hung over his property, which trees were a hazard both during the winter and summer months. While he had contacted the Fire Department, he had received no response. He had filled out a request with the Planning Department for someone to come to his property and look at the trees but had recently received a letter from the City stating that he was the problem. He thought this was a mistake but after multiple trips to City Hall and several meetings with the Code Enforcement Officer, he had been given different reasons why the matter could not be resolved. His latest communication with City staff was that ownership of the property was unclear and the matter would have to be addressed legally. Meanwhile, the trees remained a hazard and he asked the City Council to address the matter with the Planning Department.

Mayor Murphy asked the City Manager to follow-up with Mr. Harris.

Michael Dunn, Pinole, stated he was a homeowner who lived behind Sprouts and during the pandemic he had started walking from his home to the park to exercise. He spoke to an incident where he had been approached by someone looking for drugs. While the area appeared to have become a resting zone for people looking for drugs, Pinole Police Officers started walking the park and over the past couple of weeks the area had been cleaned up. He expressed his appreciation to the City and staff for doing a good job and he was proud to be a citizen of Pinole.

Mayor Murphy expressed his appreciation to Police Chief Neil Gang, the Pinole Police Department and all City staff for their hard work for the City of Pinole.

Anthony Vossbrink, Pinole, reported he had been informed by a friend of a major side show that had been conducted under the I-80 underpass by the Kaiser building and the bowling alley, which involved numerous vehicles and multiple gun shots. Although a video was available of the event there had been no information on the local news. He asked the Police Chief and the City Manager to explain how such incidents were addressed and whether any citations had been issued or vehicles impounded. He also asked the status of a number of inoperable lights along Pinole Valley Road and light poles that had been destroyed years ago that had not been replaced.

Mayor Murphy asked that the issues be addressed and included in the next City Manager's monthly report.

B. Presentations: None

9. CONSENT CALENDAR

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

- A. Approve the Minutes of the February 7, 2023 meeting.
- B. Receive the February 4, 2023 – February 17, 2023 – List of Warrants in the Amount of \$926,552.59 and the February 17, 2023 Payroll in the Amount of \$556,826.26.
- C. Resolution Continuing Authorized Remote Teleconference Meetings Pursuant to AB 361 **[Action: Adopt Resolution per Staff Recommendation (Casher)]**
- D. Receive the Quarterly Investment Report for the Second Quarter (Ending December 31, 2022) **[Action: Receive Report {Guillory}]**
- E. Receive the Quarterly Report on Implementation of the Greenhouse Gas Inventory and Climate Action and Adaptation Plan for Fiscal Year (FY) 2022/23 Second Quarter **[Action: Receive Report (Whalen)]**
- F. Fiscal Year (FFY) 2022/23 Second Quarter Report on Implementation of Capital Improvement Plan (CIP) Projects **[Action: Adopt Resolution per Staff Recommendation (Mishra)]**
- G. Receive the Quarterly Report on Implementation of the Strategic Plan for Fiscal Year (FY) 2022/23 Second Quarter **[Action: Receive Report (Murray)]**
- H. Development Process and Timeline for the Fiscal Year (FY) 2023/24 Operating and Capital Budget and the Long-Term Financial Plan **[Action: Approve Development Process and Timeline per Staff Recommendation (Guillory)]**

- I. Stormwater Utility Area Assessment for Fiscal Year 2023/24 **[Action: Adopt Resolution per Staff Recommendation (Kaur)]**
- J. Resolution Authorizing the City Manager to Execute a Consulting Services Agreement for Strategic Financial Planning Support and to Allocate Funds for the Project **[Action: Adopt Resolution per Staff Recommendation (Guillory)]**
- K. Adopt a Resolution Approving a First Amendment to Disposition and Development Agreement Between the City of Pinole and Satellite Affordable Housing Associates for Additional \$1.2 Million Loan for Affordable Housing Development at 811 San Pablo Avenue and Approving an Appropriation of the Total Loan Amount of \$3.2 Million from the Housing Fund's Unrestricted Available Fund Balance **[Action: Adopt Resolution per Staff Recommendation (Whalen)]**
- L. Placement of Liens for Delinquent Unpaid Waste Collection Charges Falling Delinquent Between September and December 2022. Considered at an Administrative Hearing on February 2, 2023 **[Action: Adopt Resolution per Staff Recommendation (Stone)]**

Council member Martinez-Rubin requested that Item 9A be removed from the Consent Calendar for modification.

Mayor Murphy requested the removal of Items 9D and 9F.

PUBLIC COMMENTS OPENED

Maria Alegria, Pinole, congratulated Council member Martinez-Rubin on her re-election, Council member Sasai for his election to the City Council, Mayor Murphy for being an exceptional Mayor and Mayor Pro Tem Toms as the Mayor Pro Tem. She referenced Item 9F and asked the City Council to revisit the Capital Improvement Plan (CIP) Projects for 2022/23 and reprioritize the projects funded based on Measure S 2014 funds since the criteria for Measure S 2014 funds stated the City Council had allocated the use of the funds to fund infrastructure projects as their highest priority. Also, the CIP for 2022/23 should include traffic safety improvements for the Tennent Avenue Corridor to the project list, which also meets the criteria for Measure S 2014 funds.

Rafael Menis, Pinole, thanked the City Manager for answering many of his questions prior to the start of the meeting. Referencing Item 9J, he asked the City Attorney to opine on the modifications the consultant had proposed to the standard consulting agreement and whether those amendments were normal and reasonable.

Irma Ruport, Pinole, requested an amendment to the second sentence of the comments attributed to Ivette Rico as shown on Page 3 of the February 7, 2023 City Council minutes for Item 9A, as follows: *She [Ivette Rico] thanked Mayor Murphy, Mayor Pro Tem Toms, Council members Sasai and Tave for their attendance and their generosity of spirit.* As to Item 9F, she agreed the projects in the CIP should be revisited, with the projects brought up to date. She sought more detail on future reports given some of the information was difficult to read and noted that some of the projects were unfunded and should be removed from the CIP list.

Ms. Ruport also commented there was only one proposal for the Consulting Services Agreement under Item 9J, and the City had a series of issues in the past where there should be at least three bids. She understood the consultant had worked for the City in the past but asked whether the work was satisfactory, and she questioned whether the consultant's work had been evaluated.

PUBLIC COMMENTS CLOSED

Mayor Murphy spoke to Item 9A and stated that all references in the February 7, 2023 City Council meeting minutes to African American Study Union should be corrected to read: *African American Student Union*. He also provided the name of the unknown speaker as shown on Page 4, which had been highlighted and which name should be inserted to read: *Troy McConico*. He further asked that the modification requested by Ms. Ruport be included in the meeting minutes.

Council member Martinez-Rubin also spoke to Item 9A and requested an amendment to the second paragraph as shown on Page 14, as follows:

Council member Martinez-Rubin reported she had joined the Friends of Pinole Creek Watershed and Ocean Conservation Club from Pinole Valley High School for a monthly cleanup on January 21, and she thanked City staff for the facilitation of cleanup efforts. She highlighted the Thriving Earth Exchange project and indicated there was more information about that on that project's website. She had also attended a League of California Cities Revenue and Taxation Policy Committee and briefed the Council on the discussions.

Speaking to Item 9D, Mayor Murphy referenced the Medium-Term Corporate Notes for Johnson Johnson, which had a maturity date of March 1, 2023. He asked what was being planned for the asset after March 1.

Finance Director Markisha Guillory explained that typically it would be replaced with a light investment (another medium-term note) for the portfolio but with the changes in interest rates and current market conditions, recent investments had not been made for any of the instruments that had matured in the recent past.

As to item 9F, Mayor Murphy asked what projects in the CIP had been planned to be completed in Fiscal Year 2023.

Public Works Director Sanjay Mishra stated he did not have a list of each item to go over but it could be provided at a later date.

Council member Tave asked the status of the high capacity trash bins and whether the project would be phased in over the course of a few years.

Public Works Director Mishra explained that it was unknown whether the project would work for the City since maintenance staff had indicated the weight of the high capacity trash bins would make them difficult to move for one person but there was a piece of equipment that could pull out the trash once compacted and then if could be disposed of; however, the City did not have that piece of equipment. The program would be a pilot program in two places in the City to see how the project worked and may require staff to return to discuss other viable alternatives.

Council member Tave also commented on the traffic safety improvements for the Tennent Avenue Corridor and asked whether the expectation was that the work would be done within this calendar year, and if so what funds would be allocated.

Public Works Director Mishra suggested Finance Director Guillory provide those details as part of upcoming agenda items.

As to Item 9J, Finance Director Guillory explained the City had received only one proposal after the issuance of the Request for Proposal (RFP). The RFP had been open for three weeks as public purchase and had gone out to a number of vendors, posted on the California Society of Municipal Finance Officers RFP list and made aware to a couple of firms she had worked with in the past; however, only one proposal had been received. This proposal had been evaluated with more than one follow-up interview between City staff and the consultant, Baker Tilly. Staff had been satisfied with the responses and discussions. Since the consultant services were needed for the upcoming budget and Long-Term Financial Plan (LTFP), staff had decided to recommend to the City Council moving forward with this proposal.

City Manager Murray added that for the procurement of professional services as the proposal for Item 9J, the City was not obligated to hire the lowest responsible bidder. As staff had stated, even though only one proposal had been received, staff had followed the regular process of evaluation. He also responded to the public comment and stated he could not speak to the past performance issues with contractors but again staff had conducted a thorough vetting process with Baker Tilly. He welcomed any contact with the member of the public related to any perceived past contracting issues.

City Attorney Eric Casher also responded to the public comment related to proposed changes in the Consulting Services Agreement for Item 9J, and explained that the City had standard language in its RFPs, with the consultant asked to provide any changes they would like made. The City's standard Consulting Services Agreement was not a one-size-fits-all and oftentimes once staff received approval to move forward with a contract, the City Attorney and the City Manager reserved the right to negotiate final terms, which was the action the City Council was being asked to provide as part of Item 9J.

Mayor Murphy offered a motion, seconded by Council member Sasai to direct staff to work with the selected consultant and all relevant consultants to incorporate elements of the participatory budgeting model, as outlined by the Participatory Budgeting Project, and to the City's strategic and financial planning processes in utilizing The Balancing Act's tools and solutions, specifically the budget simulation, prioritize and taxpayer receipt modules and provide a report on this progress in future financial quarterly reports.

On the motion, City Manager Murray commented that he was not aware of all the modules referenced and was uncertain how they would dovetail into the City's existing process. The Balancing Act tool had been used in the past and would be used again as part of the budget process, but in principle, the intent was to engage in a very participatory budgeting process.

City Clerk Bell clarified with the Mayor his motion was intended to be included as part of Item 9J to modify the scope.

Council member Tave clarified with Finance Director Guillory that the City paid an annual subscription fee for The Balancing Act Tool, which included various modules and the modules were already included.

As to the motion as stated, Finance Director Guillory asked for more guidance on the participatory budgeting process since it could mean different things to different people. Currently, the City used an incremental budgeting process and to use another process could mean a long and engaging process. She asked the Mayor to provide some clarification.

Mayor Murphy commented that the elements of the participatory budgeting model had been outlined by the participatory budgeting project, with the intent to work with the consultant as they considered the 10-year forecast and new streams of funding to engage the public in more robust projects. As an example, the prioritize module had been used to give the City Council insight around the use of its American Rescue Plan Act (ARPA) funds. The intent of his motion was not to just direct staff to work on this but to also determine how to utilize the consultant's scope of work to engage in both processes. If the motion passed, there would be an opportunity for the City to reach out to participatory budgeting processes and to allow support in that and execute those strategic and financial planning processes.

Mayor Pro Tem Toms asked whether financial planning would have to be built into the scope for the consulting services agreement with the consultant for Item 9J, and City Manager Murray confirmed that staff would have to go back and confirm the consultant could add that to the scope of work. As to the Participatory Budget Project, and looking online, he commented it was a traditional budgeting process with some additional outreach to brainstorm ideas with the community and a volunteer group of community delegates that developed ideas into proposals. There were also residents who voted on those with a city to fund the winning ideas. There was also a Steering Committee of community representatives and budget delegates and the like, which process steps had not been planned in the current budget process. He would have to work with the Finance Director to determine whether what the Mayor had requested would be feasible.

City Manager Murray explained that the 10-year forecast was an analytical piece of work absent a community engagement component. He referenced Consent Calendar Item 9H, which included the development process and timeline for the Fiscal Year (FY) 2023/24 Operating and Capital Budget and LTFP, and suggested a Community Participatory Budget Committee could be convened to come up with ideas and possibly a subset of that committee could nominate a subset of workable budget proposals on which community members could vote. The City Council could then vote on the top vote getters, which was something staff could incorporate into the current budget process, although that meant the City Council would be committed to funding (while not the amount) the winning proposals that were not known at this time.

Mayor Murphy again clarified his motion, which was not intended to be part of this year's budget, but that would be great if it was. He restated his motion to direct staff to work with the selected consultant and all relevant consultants to incorporate elements of the participatory budgeting model, as outlined by the Participatory Budgeting Project, and to the City's strategic and financial planning processes in utilizing The Balancing Act's tools and solutions, specifically the budget simulation, prioritize and taxpayer receipt modules and provide a report of this progress in future financial quarterly reports. He again stated it would be great if it was part of this year's budget but that was not his motion.

Council member Martinez-Rubin commented that the scope of work for Item 9J had a distinction of timing when the public would be involved, which approach was different than inserting public participation in the initial stages. She favored the consultant recommendations with the City Council to rely on their availability and expertise, not only for issues related to Pinole but with consultants who worked statewide in different situations, some of which had bearing on the matters the City was interested in such as fiscal solvency and availability to carry the City through the short and long term to the extent up to 20-years, and rely on staff's professionalism and expertise, and with the modules to focus on community involvement, not do away with that but to the extent possible focus on the community engagement in the consultant's scope of work.

ACTION: Motion by Mayor Murphy/Council member Sasai to approve Item 9J, subject to direction to staff to work with the selected consultant and all relevant consultants to incorporate elements of the participatory budgeting model, as outlined by the Participatory Budgeting Project, and to the City's strategic and financial planning processes in utilizing The Balancing Act's tools and solutions, specifically the budget simulation, prioritize and taxpayer receipt modules and provide a report of this progress in future financial quarterly reports.

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

ACTION: Motion by Mayor Pro Tem Toms/Council member Martinez-Rubin to approve Item 9A (as modified), and Items 9B, 9C, 9D, 9E, 9F, 9G, 9H, 9I, 9K and 9L, as shown.

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

10. PUBLIC HEARINGS: None

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.

11. OLD BUSINESS: None

12. NEW BUSINESS

- A. Overview of "Just Cause" Eviction Regulations and Provide Possible Direction to City Staff [Action: Receive Report and Provide Direction (Whalen)]**

Lilly Whalen, Community Development Director provided a PowerPoint presentation, which included an overview of the "Just Cause" Eviction regulations.

The PowerPoint presentation highlighted the purpose of the Just Cause Eviction regulations, overview of the tenant/landlord relationship in the State of California, background on tenant protections at the state level, review of the eviction process, Pinole's current rental stock and tenant protection programs and the options for City Council consideration including a reliance on existing state law, Assembly Bill (AB) 1482, adoption of AB 1482 into the Pinole Municipal Code (PMC) or to adopt stronger protections than AB 1482.

In terms of the next steps, if the City Council desired to engage further, it may conduct stakeholder outreach/consultation which could include engaging all landlords and tenants in a survey, convene a meeting with the landlord associations such as the East Bay Rental Housing Association and/or others, convene a meeting with local real estate professionals, convene a meeting with tenant associations and return to the City Council with more information to verify and clearly define the identified problem and identify possible actions to address the problem.

Mayor Pro Tem Toms and Council member Tave clarified with the Community Development Director that there had been one eviction filing in the City of Pinole in 2018.

Council member Tave asked for data of the number of people who had been displaced and rental trends for a normal market in the Bay Area. He appreciated the data provided in the City's current rental market which had shown a 70/30 split of owners/renters.

Council member Martinez-Rubin understood what had driven this discussion was the moratoriums that had been in place during the pandemic which were coming to an end and people were being evicted or had to leave their homes, which was different from the circumstances that preceded the pandemic. She asked whether there was data post-2018 and the distinction between filing and eviction rates. She also asked whether the City kept information about penalties against landlords who did not comply with state requirements for those rental units that were licensed.

Community Development Director Whalen stated she would have to look into that information which she currently did not have.

Council member Sasai asked whether there was any data on rent increases imposed on tenants or unfair rent hikes that had resulted in evictions pre- and post-pandemic and Community Development Director Whalen explained that the February 21, 2023 staff report included some information from 2015-2020 on median rental price increases but she did not have updated information and would have to do more research.

In response to Council member Martinez-Rubin, Community Development Director Whalen commented with respect to AB 1482 and the criteria why properties over 15 years of age were exempt would also require more research. AB 1482 was due to sunset in 2030 and she was unaware of any case law that battled the timeframe in the legislation.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, read into the record answers he had received from the City Manager's Office, which were germane to the discussion and were related to multifamily residences in the City of Pinole that would fall under this discussion. He had been informed the City had one triplex, that was undergoing a Final Certificate of Occupancy review but there had been no other multifamily residences built in Pinole since 2008 and the City had no rental price data after 2020.

As the City Council considered protections or considered adopting stronger protections, Mr. Menis asked that consideration also be provided on the practical power dynamic between landlord and tenant. He noted that the average tenant or landlord may be unaware of these protections and a tenant may just evict themselves since they did not have the money to fight the eviction and pay the rent. The balance of power in these situations was tilted towards the landlord, the owner of the property and who in a worst case scenario may be able to take out loans on the property to capitalize on legal actions, whereas a tenant could not since tenants tended to be in a weaker financial position. He suggested that protections that relied on a tenant to file suit to claim the benefits of the protection may not achieve the goals the City wanted to seek given the difficulties for the tenant to find and pay for a lawyer and have the protections enforced. He urged the City Council to adopt protections.

Fattaneh Yassini, California Apartment Association (CAA), explained that CAA had been representing housing providers for more than 80 years and prior to the pandemic her colleagues had played a great role in AB 1482, which had been carefully curated to balance the needs of both tenants and housing providers. AB 1482 had been passed in 2019 and had taken effect in 2020. Months later, the pandemic hit and ensuing ordinances had been adopted. AB 1482 provided realistic protections for tenants when a tenant was not at fault and with a termination of tenancy the landlord had to pay for relocation compensation. Since AB 1482 was already in effect with secure tenant protection regulations, the CAA supported the City staff recommendation to further outreach and CAA could be a resource to the City in any of its efforts to educate tenants and housing providers about their rights via emails, videos, and social workshops.

Tyra Wright, El Cerrito, suggested the City Council support the staff recommendation to adopt AB 1482. A resident of the City of El Cerrito, she represented the Contra Costa Association of Realtors (CCAR) as a Realtor, not the agency itself. She had been involved in a task force in El Cerrito, at the beginning of the pandemic at which time El Cerrito was also considering a Just Cause Eviction Ordinance and which task force recommended AB 1482. El Cerrito created a registry which data supported the need for AB 1482, and which provided for just cause eviction as provided in the staff report. She supported the staff recommendation and expressed the willingness to serve as a resource for the City.

Debi Mackey, Realtor, agreed with the previous speaker and the support for AB 1482. As to why properties over 15 years were exempt, she explained that was to allow builders to recapture some of their costs when building properties, the housing crisis and placing more rules on Mom and Pop landlords, which had resulted in the sale of inventory. She commented that the PowerPoint presentation was very good and she urged the City Council to stick with the current state laws in place which were friendlier for investors to invest in the City of Pinole.

Eric Meyers, Hercules, the owner of a real estate business in the City of Pinole and a practicing Real Estate Lawyer in landlord tenant law, agreed with the great overview contained in the PowerPoint presentation, but offered some practicalities when evictions occurred. He explained when an eviction was filed, a tenant automatically received notice of all of the legal aid that was free to the tenant. An eviction did not have to be filed in the court for a tenant to avail himself or herself of those resources. Based on his personal experience, eviction filings in the City of Pinole were few. Most were from other counties in the Bay Area up to Northern California. He commented that when an eviction filing resulted in a jury trial, it cost the landlord significant legal fees and expenses with no costs incurred by the tenant, and there was incentive to threaten a jury trial regardless of the facts.

Mr. Meyers explained that 90 percent of those cases resulted in a settlement between the lawyers with significant concessions offered to the tenant, and with the cases dismissed with prejudice the landlord would never go back to the tenant for anything that was owed or for damages. He too offered his availability as a resource for the City and emphasized that AB 1482 already did the job at the statewide level.

Leah Simon-Weisberg, Legal Director, Alliance of Californians for Community Empowerment, Institute, who worked throughout Contra Costa County and who had been active in passing protections in other communities in the Bay Area, disagreed with the prior speakers. She looked forward to community engagement and disagreed that AB 1482 had been wholly effective, which was why cities across the state had been passing their own ordinances. She suggested that AB 1482 had not been well curated and left loopholes, such as notice could be served on a tenant that substantial rehabilitation or remodeling would be done with the tenant required to be out for 30-days and then the tenant had to move out permanently and did not have the right to return. This was different from the local protections that tenant advocates had fought for. She urged the City Council not to adopt AB 1482 which she suggested would be a waste of the City's time. She also urged the City to reach out to the courts on the eviction data and noted that information was masked unless the tenant lost at trial and that information was not public. She had worked with policymakers, stated the numbers for the State of California were inaccurate given the way that records were kept, and it was important to reach out to the court to find out those numbers which would be significantly higher. She too offered her services as a resource to the City on this matter.

David Schubb, CCAR President, speaking as an individual, referred to the increasing housing crisis in the Bay Area. He was unaware of a large eviction problem in the City of Pinole and suggested it was a supply problem. Based on his experience, when housing providers found properties too difficult and expensive to maintain they were placed on the market for sale and were purchased by homeowners thereby reducing the rental housing stock. Most of the housing providers were Mom and Pop operators, who worked hard to keep the properties as retirement investments and could not afford to keep them with rising costs without some amount of rental increases. As the President of the CCAR, he too offered to work with the City of Pinole on potential solutions to the lack of rental and affordable housing units.

PUBLIC COMMENT CLOSED

Community Development Director Whalen reported in response to Council member Tave's earlier questions that based on the information from 2018 from the eviction lab, there had been one eviction filing and one eviction judgment in the City of Pinole but she would look into obtaining more accurate information.

Community Development Director Whalen also stated in response to the Mayor that she had not done research around funding for this issue, although there may be opportunities through residential rehab programs on the state level and assistance to cities to disperse funds for different types of programs. She would get back to the City Council with additional information. Also, the City had a Residential Inspection Program and as part of enhancing that program the City's new permit tracking system should provide a more robust database on the City's rental properties.

Mayor Murphy wanted to understand the data for the City to better inform and drive decisions and in this case he suggested there was an opportunity to learn more about renters in the City of Pinole.

Mayor Murphy suggested there was a need to find a way to create a database to better understand the needs of tenants and owner/landlords. He was interested in how that could be set up and consider the options staff had outlined.

Council member Martinez-Rubin was curious to know from Council member Sasai, who had requested this agenda item, what information was not being provided and addressed since she did not understand to what extent there was an urgent problem and a need to address it.

Council member Sasai commented on the tenant protection gaps in AB 1482, as mentioned during the public comment, including tenants who had lived in their homes less than one to two years who were not provided the protections in AB 1482. He noted that most single-family homes and condominiums were exempt, and as mentioned there was a substantial remodel loophole where a tenant was not allowed to return. The information provided by staff had provided data on who was residing in the City's rental units, although that had not factored in future tenants as part of affordable housing to meet the City's Regional Housing Needs Allocation (RHNA). Given the future of the City and its demographics, he sought this agenda item for future planning purposes.

Council member Tave commented that the City's charts for 2010 and 2015 had shown that homeowners were making overpayments as compared to the market, with the overpayment by owners by 2015 to 2019 reduced by 20 percent by volume in Pinole, while for renters it remained consistent from 2010 to 2015. He noted that what renters were paying was more than the market. He wanted to ensure that renters were able to rent in Pinole while also being able to save money and eventually purchase a home to live in Pinole.

Community Development Director Whalen clarified that Council member Tave was referring to Figure 41, Cost Burden by Tenure as shown in the 6th Cycle Draft Housing Element, which had been submitted to the State Department of Housing and Community Development (HCD) and which data had shown overpayment by renters in Pinole had occurred at the same rate as the County at 40 percent with overpayment by owners at a slightly lower percentage.

Council member Tave stated that based on the information, if rents were too high in Pinole people would move which was why it was important to consider a Just Cause Eviction Ordinance, even if there had only been one eviction. He wanted to find a way to make it easier for people to rent and stay in Pinole and not be faced with rents skyrocketing where people would have to move if they could not afford to live in Pinole. While he supported the option of going with AB 1482, he wanted more data to understand how the City could help renters build up to purchase in Pinole and what policies would protect tenant and landlord rights while at the same time create a fair market.

Mayor Pro Tem Toms reported the Ad-Hoc Municipal Code Update Subcommittee had discussed the Just Cause Eviction regulations. As a member of the Subcommittee, during those discussions she had asked what an ordinance would get the City that AB 1482 did not, and what it would cost the City in legal time to address an ordinance and whether there was a strong need to budget legal counsel's time to develop an ordinance to address a problem. She had also asked if the City had adopted an ordinance whether staff time would be required to enforce the ordinance.

Based on the staff report, if the City relied on AB 1482, along with the implementation of the program from the 6th Cycle Draft Housing Element for workshops and meetings to discuss displacement prevention and housing mobility that would be one option, or the City could consider how to address the loopholes in AB 1482.

Mayor Pro Tem Toms did not support adopting stronger protections than those provided by AB 1482. She preferred to consider the do nothing option or identify the loopholes in AB 1482 with the community and the City to avail itself of the resources available to address those loopholes.

City Attorney Casher confirmed in response to the Mayor that the Ad-Hoc Municipal Code Update Subcommittee had discussed the Just Cause Eviction regulations at its last meeting. He explained that state law, as it had currently been constructed, created a cause of action for tenants in civil court through a lawful detainer proceeding. If the City were to adopt an ordinance, it would be crafted in such a way where it would not require code enforcement or direct action from City staff but would place some limitations on the restrictions and regulations. It would be a staff-intensive endeavor if the City were to consider a full program about mediating between landlords and tenants. If there was value, filling in the gaps of AB 1482 could merit an ordinance, as outlined in the staff report, and could extend beyond the sunset date of 2030 for AB 1482.

Council member Sasai agreed there needed to be a community engagement piece. He acknowledged the public comments received during the meeting but none of those comments had been from tenants in Pinole. He suggested the City needed to do a better job hearing the testimony on the experiences from tenants in Pinole as part of the process and as the City moved forward. He asked how staff had envisioned that part of the community engagement piece.

Community Development Director Whalen explained that staff had envisioned community engagement as part of a mail-in survey with input from the different community groups as outlined in the PowerPoint presentation.

City Manager Murray advised the City had collected a fair amount of information from surveys for the Housing Element Update, which had identified issues such as challenges with rent, threats of eviction and the like.

Community Development Director Whalen confirmed there had been housing questions as part of the Housing Element survey and staff could review that data and return to the City Council.

Council member Martinez-Rubin wanted to see where in Pinole the comments from the survey were coming from. She recognized that would require a respondent to identify what areas of Pinole residents had experienced challenges and the nature of those challenges. She also spoke to predatory practices and the unspoken notion of outlier tenants or landlords not abiding by existing laws, which issue had not been discussed. She asked staff to consider some type of proxy measure that could help to identify where people were not complying with existing law.

Mayor Murphy summarized the comments from the City Council for some data collection, particularly around the 30 percent of renters in Pinole and their experiences, with staff to provide the types of questions that would be detailed enough to answer some of the other questions and exploration of funding opportunities in response to the concerns, with the cost of the passage of an ordinance or mandate the City may impose as part of the state mandates to fund enhanced information or protections regardless of the option the City Council may select.

Mayor Murphy stated community engagement remained a consistent challenge for the City and there should be brainstorming ways to engage the public and groups to contact for resources, which should include those groups already identified and the Alliance of Californians for Community Empowerment, Pinole Grove Tenants Association and the East Bluff Apartments along with communication with the Department of Housing and Urban Development (HUD). He also sought consideration of future tenant associations and proactive research with staff to reach out to those associations if possible.

Council member Tave suggested the use of data from HCD would be helpful and the City should lean on that data coupled with the data from the public testimonies and the community to inform the decisions in identifying the gaps.

Mayor Murphy also asked to see a report from the City of El Cerrito on the issues its task force had addressed.

Council member Martinez-Rubin further requested that property management firms or those developments that were townhomes exempt from AB 1482 be asked for input and what they saw their makeup as being rentals versus ownership or landlords not paying dues, which would help to form and give shape to the situation across different types of housing in Pinole.

Council member Sasai offered a motion, seconded by Council member Tave to direct staff to organize and host an informational event and send out invitations to tenants and landlords in Pinole for conversations about Just Cause Eviction policies, and include rent stabilization as part of that conversation.

On the motion, Council member Martinez-Rubin continued to struggle with the issue of whether the problem was the lack of communication with the existing public about what was fairly new legislation (AB 1482), and whether that was the basis for what Council member Sasai was suggesting or whether it was more than that.

Assuming the Housing Element was certified by the state in the next month or so, Mayor Pro Tem Toms pointed out there would be implementation measures as part of the Housing Element and she suggested the community outreach could be done at the same time. The Mayor concurred.

ACTION: Motion by Council members Sasai/Tave to direct staff to organize and host an informational event and send out invitations to tenants in Pinole and have conversations about Just Cause Eviction policies and include rent stabilization as part of that conversation.

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

Mayor Murphy moved onto Item 12C at this time.

- C. Adoption of City of Pinole Local Roadway Safety Plan (LRSP) [Action: Adopt Resolution per Staff Recommendation (Mishra)]**

Public Works Director Mishra introduced the project team from TJKM the consultant who developed the Local Road Safety Plan (LRSP).

Ruta Jariwala, Principal, TJKM, provided an extensive PowerPoint presentation on the LRSP, which included an overview of the project status and milestones, collision analysis and findings, emphasis areas, engineering and non-engineering countermeasures, safety projects and implementation. While Viable Safety Projects 1 through 9 had been outlined in the LRSP and in the February 21, 2023 staff report, Project 10: HSIP Applications: Safety on Roadway Segments – Pedestrian Set Aside, had not been included.

Public Works Director Mishra explained that Project 10 involved three locations where the City had requested funding for the installation of a Rectangular Rapid Flashing Beacon (RRFB) at San Pablo Avenue and Third Street, San Pablo Avenue and Quinan Street and Pinole Valley Road and Savage Avenue, which locations had been chosen based on public input about pedestrian use and the speed of traffic.

Mayor Pro Tem Toms commented that AB 43 allowed local jurisdictions to set speed limits in certain conditions. She asked whether that had been considered as an option, to which Ms. Jariwala explained that had not been one of the countermeasures Caltrans had in its toolbox but was a policy discussion for the City Council to consider. She suggested such countermeasures could be considered as part of neighborhood traffic calming measures.

Public Works Director Mishra clarified that AB 43 included a provision to make speeds lower than 25 miles per hour (MPH) in certain conditions, such as the corridor must be defined as a safety corridor and within a certain period of time things must be put in place before the City could take action to reduce the speed limit.

In response to Council member Martinez-Rubin, Public Works Director Mishra reiterated that Project 10 involved three locations where the City had requested funding for the installation of a RRFB at San Pablo and Third Street, San Pablo Avenue and Quinan Street and Pinole Valley Road and Savage Avenue, with the City having requested setaside funds from Caltrans roughly in the amount of \$250,000.

Council member Martinez-Rubin asked whether or not the signal at Tara Hills and Appian Way had been taken into account as part of the collision analysis since the equipment had been hit by large trucks several times a year. She asked whether there was a better way to place the signal with the knowledge that large trucks may impact the equipment.

Public Works Director Mishra commented that would be a maintenance item for the City. The existing mounting hardware would have to be modified to accommodate the large truck turning movements.

Council member Martinez-Rubin otherwise appreciated the use of back plates with reflective borders that had been placed at Appian Way, Tara Hills and Fitzgerald Drive, which were noticeable and made a difference during the evening hours.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, thanked the City Council for the consideration of establishing a left-hand turn signal at the already protected lane at the intersection of Pinion and San Pablo Avenues and he detailed his personal experience in navigating the intersection. He referenced Page 347 of the agenda packet, Public Comment 75, which he read into the record and reminded everyone that people making a left turn into the unprotected intersection must yield to vehicles traveling straight, which was another challenge to navigating the intersection. He also appreciated the explicit cost breakdown as shown on Page 330 and the part-by-part breakdown as shown on Page 527. He had raised a question with the City Manager but had not yet received a response whether it would be possible to install a left-hand turn signal at the Tennent and San Pablo Avenues intersection, which was a major injury flagged intersection and he asked of the estimated costs if evaluated.

Maria Alegria, Pinole, commended staff on the preparation of the comprehensive LRSP which would allow for much needed funding to keep City streets safe. Given the building of future homes along San Pablo Avenue with more expected pedestrians, she asked whether or not the Housing Element had been taken into consideration as part of the projections in the LRSP. She also noted the CIP had not addressed the Tennent Avenue Safety Corridor she had advocated be part of the 2022/23 CIP. If the City Council added the Tennent Avenue Safety Corridor to the CIP, she asked whether the LRSP could be amended sooner than later to include that project, which would provide a way to obtain additional funding. She also asked whether there had been any discussion about the second fire station going into the valley and whether any analysis had been included in the LRSP. Since the LRSP was a living document, she asked the City Council to consider her suggestions.

Marilyn Huff, Pinole, found the LRSP handled many of the issues raised by the Pinole Grove Tenants Association and she was grateful since residents were already dealing with the challenges of the Rafaela Street and Pinole Valley Road intersection. She had received a draft copy of the LRSP on February 6, 2023, and at that time had been informed it was too late for residents to provide comments but she had not seen the report prior to its receipt. She emphasized that oftentimes Pinole Grove residents were not informed about projects in the City until it was too late and she hoped that would not happen in the future, citing the desire to be included in the discussions about the Just Cause Eviction regulations and issues related to traffic safety, particularly anything related to the Rafaela Street and Pinole Valley Road intersection. She urged the City to do a better job reaching out to residents.

PUBLIC COMMENTS CLOSED

Responding to the public comment, Public Works Director Mishra advised as part of Item 12B improvement options would be presented for the Tennent Avenue Corridor. He explained that the LRSP followed data from the last five years and the collision data along the Tennent Avenue Corridor had shown few accidents, which was why Pear and Plum Streets had not been included in the LRSP but would be addressed in the CIP.

City Manager Murray further clarified the LRSP was based on a five-year review of collision data. The LRSP and other planning and analyses documents fed into the CIP. The City Council would create a new CIP for the next fiscal year over the next few months where the City Council could

consider a revised set of potential improvements to the Tennent Avenue Corridor as part of the discussion for Item 12B.

Public Works Director Mishra added the Housing Element and activation of Fire Station 74 had not been part of the LRSP. The LRSP had taken into account only the collision data and not how traffic would increase over a period of time or take into account future development. The LRSP was a living document and once future housing was built and more data collected, the City Council could provide new countermeasures in response to any accidents or collisions. The current LRSP covered collision data from 2015 to 2019. He noted Caltrans had not advised taking into account data from 2019 due to the pandemic. New data would likely span from 2022 to 2025, which would be the best time to look at revising the LRSP, if needed.

City Manager Murray further clarified the LRSP should be updated no less than every five years and include more current five-year periods of data to rely upon. The intent was to have the LRSP in place for a period to allow the countermeasures to be in place to inform the analysis for the next version. He would expect the City Council would adopt a new LRSP five years from now.

ACTION: Motion by Council members Tave/Martinez-Rubin to adopt the City of Pinole Local Road Safety Plan (LRSP).

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

The City Council returned to Item 12B.

- B. Receive the Fiscal Year (FY) 2022/23 Second Quarter (Mid-Year) Financial Report and Adopt a Resolution Authorizing Budget Amendments [Action: Adopt Resolution per Staff Recommendation (Guillory)]**

Finance Director Guillory provided an extensive PowerPoint presentation which included an overview of the Fiscal Year (FY) 2022/23 Second Quarter (Mid-Year) Financial Report, which included the budgetary highlights from the current mid-year budget and which had shown the City remained in a relatively strong financial condition. The City's ongoing funding sources were sufficient to fund ongoing expenditures and revenues and expenditures were on track with the proposed mid-year budget. She described the budget as a status quo budget with no major changes to City programs and services but with increases in staffing to respond to key community priorities and organizational needs including additional Police Officers and capital project staff.

One time special projects were highlighted with all details as shown in the February 21, 2023 staff report. The budget also included a vacancy savings factor and the appropriation of the City's remaining ARPA funds to the General Fund to backfill the City's loss of general revenue due to the pandemic. The General Fund Budget Summary; General Fund Revenue – Proposed Adjustments Summary; General Fund Revenues Budget Summary; General Fund Expenditures – Proposed Adjustments Summary; General Fund Expenditure Budget Summary; Gas Tax Fund Budget Summary; Recreation Fund Budget Summary; Building and Planning Fund Budget Summary; Growth Impact Fund Budget Summary; Sewer Enterprise Fund Budget Summary and

Information Systems Fund Budget Summary were highlighted with all information outlined in the staff report.

Additional items staff would like the City Council to consider that had not been included in the proposed adjustments included:

- Traffic safety improvements on the Tennent Avenue Corridor, with two options:
 - Immediate improvements (\$110,000), or
 - Longer term improvements
 - Tennent Avenue and Pear Street (\$440,000)
 - Tennent Avenue and Plum Street (\$520,000)
- Public Safety Building Modernization (\$100,000) – Allocate funding to CIP Project #FA2301 in the current fiscal year. It had originally been scheduled to start in FY 2023/24.

Council member Tave clarified with Finance Director Guillory that Other Operating Expenditures which included items such as materials and supplies and was a catch-all for items outside of the other categories also included debt service for the 2006 Pension Obligation Bonds, to be paid at the start of the fiscal year. The ARPA funds and the City's tracking/accounting system for the funds to allow specific expenditures to be tied back to the ARPA funds consistent with federal reporting requirements was also highlighted. Those funds could be broken out in future presentations for purposes of transparency.

In addition, Fund 275, Parkland Fund, was also clarified with some clean up required and with the balance in the fund having been moved to the Growth Impact Fund and with the Parkland Fund to be zeroed out. The Growth Impact Fund was also clarified and included parks, police, wastewater and subsections within that fund for various areas.

City Manager Murray further clarified with respect to Fund 275 that there had been an accounting practice that had been errant with staff having to do some clean up. He also clarified the Growth Impact Fund was all development impact funds together, as described.

Council member Tave asked that the Growth Impact Fund, which appeared as one pot, should be broken down into subcategories and City Manager Murray suggested that could be a discussion as part of the CIP. He explained that impact fees were limited and intended to develop new services and facilities that were directly related to the new developments.

In response to Council member Martinez-Rubin, Public Works Director Mishra further clarified the cost estimates for the proposed adjustments not included in the budget, as described, and City Manager Murray confirmed the City Council may decide whether to appropriate funding for the items identified for additional adjustments not included in the budget, which he again highlighted along with any other adjustments the City Council asked to be included.

Council member Sasai supported the immediate traffic safety improvements for the Tennent Avenue Corridor while the City waited for the long-term improvements. As to the Public Safety Building Modernization project, if the project was funded he asked whether the maintenance costs

and raw operational costs for the facility would decrease. Given the costs for this project, he wanted to be cognizant of the other needs in the City such as needed traffic safety improvements.

Public Works Director Mishra clarified the Public Safety Building Modernization project would include improvements to the flooring and replacement of aged equipment. This was a three-year project and staff was requesting allocation of funding to CIP Project #FA2301 in the current fiscal year to allow some of the improvements to be started given the urgent need.

City Manager Murray stated there had been emergency floor repairs in the Public Safety Building. Making the improvements as part of the unbudgeted item would not reduce ongoing routine maintenance costs. The unbudgeted project was an investment that would help the City from having to conduct small frequent repairs.

Mayor Murphy understood that future reports would include project updates on how the ARPA funds had been used, and Finance Director Guillory explained as part of the fiscal year 2023/24 budget, staff would request direction from the City Council on the use of ARPA funds. She again clarified how ARPA funds would be tracked consistent with federal requirements and highlighted how the ARPA funds could be used.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, stated he had submitted questions to the City Manager prior to the meeting. He referenced the Recreation Department Fund (Fund 209) and end of life maintenance issues related to the HVAC system at the Senior Center and asked the cost and timeline for replacement as shown on Page 241 of the agenda packet. He also referenced Page 248 and the information for the Public Safety Building Modernization and commented that the project cost shift should be considered differently than the recommended Tennent Avenue Corridor traffic safety improvements since the City would conduct the improvements for the Public Safety Building but was just shifting the timeline for the project forward and it would not be a new expenditure as opposed to the Tennent Avenue Corridor traffic safety improvements that had been outlined. He suggested it would be worthwhile to consider the immediate improvements for the Tennent Avenue Corridor to reduce risk of future fatalities that could not be accounted for in the LRSP.

Maria Alegria, Pinole, asked about the secured property tax revenue that included the Redevelopment Property Tax Trust Fund (RPTTF) in the amount of \$1,490.51, which was the last payment, and asked whether the funds would go back into property tax revenue for 2023/24 or whether they would disappear.

Finance Director Guillory clarified the last payment of the RPTTF would be made in 2023/24. In subsequent years, the property tax revenue that would have gone to the Successor Agency to pay down the debt would have flown directly into the General Fund, partially offset by some expenditures formally funded by the Successor Agency Fund of about \$250,000.

Ms. Alegria also clarified with Finance Director Guillory Airbnb rentals were subject to the Transient Occupancy Tax (TOT). She requested clarification when the 2022/23 CIP projects would be reviewed and prioritized and whether that discussion would be part of a future special City Council workshop. She suggested the funding for the safety improvements in the Tennent Avenue Corridor should not be piecemeal and that the City make a full investment in the total

amount with the project included in the CIP since it was clear there was a need and the community had cried out for attention to be provided to this area.

Anthony Vossbrink, Pinole, referenced the high-capacity trash bins project and asked whether they had been planned for Pinole park areas that were in dire need of full-service recyclable bins that had never been replaced. He disagreed with the prior speaker regarding the Tennent Avenue Corridor traffic safety improvements and rather suggested the City Council consider the improvements listed under immediate improvements. He recommended the City evaluate how the immediate improvements worked in the area of Pear and Plum Streets for six months to a year with those funds earmarked for the longer term improvements used for something else. He expressed concern if the Tennent Avenue, Pear and Plum Streets intersections were made a priority the City would likely have to prioritize other intersections with the same improvements. He also expressed concern the proposed traffic improvements could result in modifications to the traffic circulation into neighboring side streets. He added the City Council should have an immediate priority list rather than a CIP list.

PUBLIC COMMENTS CLOSED

Mayor Pro Tem Toms suggested the Public Safety Building Modernization Project in the amount of \$100,000 made sense since it was an immediate need. As to the Tennent Avenue Corridor longer term traffic safety improvements, she asked whether it was possible those funds would be spent within this current fiscal year.

Public Works Director Mishra advised that the costs for the longer term improvements were high due to the required road improvements, concrete curb and drainage improvements. For the immediate improvements, it was hoped it would achieve the same goals of restricting the speed of traffic and having a shorter distance for pedestrians to cross the crosswalk due to the bulb-outs. If this option was proven to be effective, the longer term improvements may not be needed. Staff preferred to see the immediate improvements considered first prior to taking the next step.

Mayor Pro Tem Toms suggested there was no way to invest for the longer term improvements before the end of this fiscal year but the immediate improvements in the amount of \$110,000 and the \$100,000 for the Public Safety Building Modernization Project made sense.

City Manager Murray clarified in response to the Mayor and Mayor Pro Tem that the longer term improvement funds would not be expended for this fiscal year given the need to issue an RFP for design, concrete and drainage work. He also clarified there was no agenda item to consider amending this fiscal year's CIP and the City Council could not act to amend the CIP but could appropriate funding that would be reflected in the next CIP or some other future agenda item changing the CIP. The Tennent Avenue Corridor traffic safety improvements were a prospective project under discussion and had not been included in the CIP. Again, even if the longer term improvements proposed for the Tennant Avenue Corridor were funded today, that project would not be done this year even if funds were appropriated. He was unsure if funded whether the immediate improvements would be done this year but they would be on the "to do" list. It was possible the longer term improvements should be retitled since the immediate improvements may be sufficient.

Some of the capital projects that would not be completed on time had come from other funding sources and to the extent a capital project was funded by the General Fund and was not

completed, in that case, those funds would not be used for fund balance for this year. Some of the capital projects involved gas taxes and other funds.

When asked by Council member Tave, City Manager Murray again tried to explain that the existing CIP was not being amended at this time but the City Council had been asked whether to make budget adjustments and appropriate additional funds for the unbudgeted projects staff had identified.

Council member Martinez-Rubin offered a motion, seconded by Mayor Pro Toms to receive the Fiscal Year (FY) 2022/23 Second Quarter (Mid-Year) Financial Report and adopt a resolution authorizing budget amendments, and appropriate \$110,000 for the Tennent Avenue Corridor Immediate Improvements and \$100,000 for the Public Safety Building Modernization Project.

On the motion, Council members Sasai and Tave preferred the allocation of funding for each project be considered separately.

Council member Martinez-Rubin called for the question on her motion.

PUBLIC COMMENTS CLOSED

ACTION: Motion by Council member Martinez-Rubin/Mayor Pro Tem Toms for the City Council to Receive the Fiscal Year (FY) 2022/23 Second Quarter (Mid-Year) Financial Report and Adopt a Resolution Authorizing Budget Amendments, and Appropriate \$110,000 for the Tennent Avenue Corridor Immediate Improvements and \$100,000 for the Public Safety Building Modernization Project.

Vote:	Failed	2-3
	Ayes:	Toms, Martinez-Rubin
	Noes:	Murphy, Sasai, Tave
	Abstain:	None
	Absent:	None

Council member Tave offered a motion to reallocate funds from CIP Project #PA 2101, Installation of High-Capacity Trash Bins in the amount of \$425,000 and reduce that to \$125,000 for Fiscal Year 2022/23 and \$100,000 for the next three years.

Given there was some confusion with the motion as stated, Council member Tave restated his motion for CIP Project #PA2101, Installation of High-Capacity Trash Bins, to reduce the \$425,000 allocation by \$300,000 for this fiscal year.

City Manager Murray understood the intent of the motion was for CIP Project #PA2101, Installation of High-Capacity Trash Bins, which was currently funded for \$425,000 in this current fiscal year and Council member Tave proposed a reallocation of the funding with \$125,000 for this fiscal year, \$100,000 the following year, another \$100,000 the following year after that and a final \$100,000 the year after that to spread the total amount over four years.

Council member Tave confirmed that was an accurate description of his motion.

Mayor Pro Tem Toms expressed concern the motion was budgeting for future fiscal years, which was not on the agenda and the agenda item related to the current fiscal year. She suggested the second motion should stand.

Council member Tave again restated his motion for CIP Project #PA2101, Installation of High-Capacity Trash Bins, reducing the \$425,000 allocation to \$125,000 for this fiscal year.

There was no second to the motion at this time.

Council member Sasai offered a motion to allocate funds for the immediate improvements for the Tennent Avenue Corridor in the amount of \$110,000. He also seconded Council member Tave's motion for CIP Project #PA 2101, Installation of High-Capacity Trash Bins, reducing the \$425,000 allocation to \$125,000 for this fiscal year.

Council member Martinez-Rubin asked for clarification of Council member Tave's motion since she did not understand the advantage of the motion given the funding for the project was coming from a source that specifically worked for that specific item and would not affect the General Fund.

Council member Tave suggested the advantage was what could realistically be accomplished for this year.

Council member Martinez-Rubin pointed out the source of funding for the High-Capacity Trash Bins whether for this year or future years, regardless of when the project was implemented, it was an example where the source of funds was most directly connected to the result of the project.

Mayor Pro Tem Toms noted if reducing the project by \$300,000 for this fiscal year, the City would not have the \$300,000 when it worked on the budget for the next fiscal year to carry over, and if left alone it would be unspent and could be carried over to future fiscal years.

City Manager Murray had a different interpretation and explained if the amount of funding was reduced by \$300,000 that amount would return to the available fund balance in that fund but no longer be reserved for the specific line item.

ACTION: Motion by Council members Tave/Sasai for CIP Project #PA2101, Installation of High-Capacity Trash Bins, reducing the \$425,000 allocation to \$125,000 for this fiscal year.

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

Mayor Pro Tem Toms offered a motion, seconded by Council member Martinez-Rubin, to adopt a resolution authorizing the budget amendments subject to Exhibit A of the staff recommendation.

When asked by the Mayor, Mayor Pro Tem Toms rescinded her motion to allow him to propose an alternative motion.

Mayor Murphy offered a motion to redirect Measure S 2014 funding amount of \$420,000 from CIP

Project #FA2201 to fund immediate measures for traffic safety improvements on the Tennent Avenue Corridor Project and the Public Safety Building Modernization Project for this fiscal year and increase funds to \$150,000 for the 2022/2023 cycle for the Public Safety Building Modernization Project.

Given confusion with the motion and in response to the City Manager, Mayor Murphy understood the City Council had to move money in order to fund those projects this year and he wanted to use what was available for funding this year and move Measure S 2014 of \$420,000 into two of the buckets; traffic safety improvements for the Tennent Avenue Corridor Project as well as the Public Safety Building Modernization Project of \$150,000 for this fiscal year.

Mayor Murphy again restated his motion, seconded by Council member Tave to redirect the Measure S 2014 funding amount of \$420,000 from CIP Project #FA2201 to fund immediate measures for traffic safety improvements on the Tennent Avenue Corridor Project and the Public Safety Building Modernization Project. In that motion, \$150,000 of that \$420,000 would go to the Public Safety Building Modernization Project for the year 2022/23, with the rest of the funding for the traffic safety improvements to the Tennent Avenue Corridor project for this year.

On the motion, Council member Martinez-Rubin expressed her concern taking away funding from a project that had been supported by a number of community members, a project that had taken years to be funded when the City had available funds from the General Fund for the kinds of projects staff identified could be funded in 2022/23, for the Public Safety Building Modernization Project and for the immediate improvements to the Tennent Avenue Corridor.

Mayor Murphy commented the City Council, previous Councils and the public had discussed the prioritization of Measure S funds for public safety, roads and pedestrian safety and he suggested the funds would be better used for pertinent issues like the Tennent Avenue Corridor improvements. He suggested the two projects as part of the motion were important and the use of available options in funding was appropriate.

Council member Martinez-Rubin found the Mayor and three members of the Council had priorities other than funding the Faria House and did not see that as an urgent matter, did not listen to the members of the public interested in upgrading the facility, did not see the Faria House as an asset or liability for the City, had not considered that expenses would be greater in future years to do the kind of renovations that had been estimated to cost \$420,000, and disregarded the improvements that while yet to be started were in support of improving a City facility that could provide some return to the City.

Council member Martinez-Rubin added that the City Council had compromised to have the types of projects in the CIP that reflected not only immediate urgent needs and addressed things that were essential but allowed projects that enhanced quality of life in Pinole and had the potential to provide economic return.

Mayor Murphy recognized that oftentimes the City did not have the staff capacity to do everything it wanted to do and while he would love to do more the reality was the City needed to address the issues that were more urgent, and today he wanted to focus on the two projects. He suggested it would be more appropriate to create an understanding that the project Council member Martinez-Rubin was encouraged by and invested in was urgent and important to the community and the City Council but today the Tennent Avenue Corridor and the Public Safety Building Modernization projects were urgent and important for the City to build. He stated that the motion

was his decision and he understood that Council member Martinez-Rubin may not support the motion.

Council member Martinez-Rubin clarified it was not difficult to hear a project she had advocated for would not be funded. The difficulty was having a City Council that leaned towards certain projects in the guise of urgency while disregarding a balance of projects that were both urgent and also addressed non-urgent issues. She suggested there was funding in the City's budget to allow for Measure S funds to be used for urgent matters and the upgrades to the Faria House, which was also about infrastructure improvements. She recognized the Faria House had been a point of contention in the City for years with members of the public pushing one way or another and with the City Council pushed to vote one way or another but she objected to having funding taken away from the Faria House because that project wasn't considered to be urgent.

Mayor Murphy suggested Council member Martinez-Rubin could request a future agenda item to discuss what "urgency" meant. He stated he had listened to the public often to learn about what the public cared about. He again called for the question on the motion.

Council member Tave recognized the conversation had been ongoing for years. He noted the need for citywide roof repairs and replacement and the recent rain had impacted occupied City buildings such as the Public Safety Building and the Senior Center, the cost of which was more than \$420,000. He understood the concerns and recognized the Faria House had been vacant for some time but there were other occupied buildings in the City used by the community that needed to be addressed. He commented on the projects he had advocated for such as the High-Capacity Trash Bins with the use of Measure S funds in recognition of the need and pointed out that City's roads had been in need of repair for years, and while some improvements like pothole repair were being made more needed to be done.

Mayor Pro Tem Toms pointed out the prior motion had reduced a project by \$300,000 and if the City Council wanted to use that \$300,000 since it was not needed right away, it could cover the cost of the additional two items that had been proposed.

Finance Director Guillory clarified the High-Capacity Trash Bins would be funded via the Solid Waste Fund and not through Measure S 2014 funds.

Mayor Pro Tem Toms understood there were unfunded revenues that could pay for the two items staff recommended and Finance Director Guillory clarified that could be done with the Measure S 2014 fund.

ACTION: Motion by Mayor Murphy/Council member Tave to redirect Measure S 2014 funding amount of \$420,000 from CIP Project #FA2201, to fund immediate measures for traffic safety improvements on the Tennent Avenue Corridor Project and the Public Safety Building Modernization Project. In that motion \$150,000 of that \$420,000 would go to the Public Safety Building Modernization Project for the year 2022/23 with the rest of the funding for the traffic safety improvements on the Tennent Avenue Corridor Project for this year.

Vote:	Passed:	3-2
	Ayes:	Murphy, Sasai, Tave
	Noes:	Toms, Martinez-Rubin

Abstain: None
Absent: None

ACTION: Motion by Mayor Pro Tem Toms/Council member Martinez-Rubin to adopt a Resolution Authorizing Budget Amendments subject to the items listed in Exhibit A to the resolution.

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

ACTION: Motion by Council member Martinez-Rubin/Mayor Pro Tem Toms that the amount previously allotted to #FA2201, Faria House Renovations in the amount of \$420,000 be taken from the General Fund to fund the renovations.

Vote: Failed: 2-3
Ayes: Toms, Martinez-Rubin
Noes: Murphy, Sasai, Tave
Abstain: None
Absent: None

D. Review City Council Meeting Procedures [Action: Discuss Report and Provide Direction (Murray)]

ACTION: Motion by Council members Martinez-Rubin/Tave to defer item 12D to the City Council meeting scheduled for March 7, 2023.

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

ACTION: Motion by Council members Tave/Mayor Murphy to extend the City Council meeting to 11:05 p.m.

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

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

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


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

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

14. ADJOURNMENT to the Regular City Council Meeting of March 7, 2023 in Remembrance of Amber Swartz.

At 11:04 p.m., Mayor Murphy adjourned the meeting to the Regular City Council Meeting of March 7, 2023 in Remembrance of Amber Swartz.

Submitted by:

A handwritten signature in blue ink, appearing to read 'Heather Bell', is written over a horizontal line.

Heather Bell, CMC
City Clerk

Approved by City Council: April 4, 2023