

**CITY COUNCIL MEETING
MINUTES
March 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 5:00 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
Sanjay Mishra, Public Works Director
Lilly Whalen, Community Development Director
Jeremy Rogers, Community Services Director
Fiona Epps, Assistant to the City Manager
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on Friday, March 17, 2023 at 1:00 p.m. with all legally required written notices. Written comments had been received in advance of the meeting and had been distributed to the City Council, posted on the City website and made available in the Council Chambers. Supplemental information for Item 12A had also been distributed and made available to the public.

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.

CONFERENCE WITH LABOR NEGOTIATORS

Gov. Code § 54957.6

Agency designated representatives: City Attorney Eric Casher, Human Resources Director Stacy Shell

Unrepresented employee: City Clerk

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

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

At 6:00 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.

Danielle Hall, Pinole, stated her residence was near the Pinole Valley eucalyptus groves built nearly 100 years ago, the oldest trees in the City of Pinole that had only been trimmed once in the last five years. Given the current weather conditions with high winds, the trees had become a safety hazard and should be prioritized for routine maintenance. Although she had contacted the Public Works Department and had been informed an arborist had been called, nothing had been done. She recommended the City obtain quotes from contractors outside the area of the cities of Pinole and Hercules and she provided current photographs of the trees for the record which included views of her residence. She recognized the trees were part of the City's history but there was a safety issue with the trees that were more than 100 to 200 feet in height and as they aged they had become diseased and weak. She urged the City to trim the trees immediately.

Rafael Menis, Pinole, updated the City Council on the current COVID-19 case rate for the City of Pinole, which had the 6th highest rate in Contra Costa County. He urged everyone to continue to wear masks indoors and in crowded settings and he also provided the case rate data for some other cities in Contra Costa County, which were lower than Pinole's case rate or which had a zero case rate. He also referenced the just-released Intergovernmental Panel on Climate Change (IPCC) AR6 Synthesis Report: Climate Change 2023, particularly Point B3, which he read into the record.

Mr. Menis explained that the current rain system was from a bomb cyclone from the Pacific Coast and that winds in the mountains had reached 80 mph. These weather events would become more frequent and were an example of the region's future if climate change was not addressed.

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Murphy reported on his attendance at the Annual Civic Well Policymaker's Conference, a statewide organization that involved policy development and technical assistance to apply for grants and workshops to support City Council and staff for a myriad of issues, with the main topic of the conference being energy storage for communities impacted by power outages and wildfire mitigation. He looked forward to working with City staff and Civic Well to provide more resources for the City Council and the community on those two issues. He had also joined Congressman John Garamendi in touring two businesses in Contra Costa County that supported homes and businesses and supplying them with energy storage. Work would continue with Congressman Garamendi, Marin Clean Energy (MCE) and City officials to ensure energy storage was prioritized in the next year.

Mayor Murphy also thanked the public for its feedback regarding the monthly video Mayoral Updates and the Mayoral Update for the month of March was provided at this time.

B. Mayoral & Council Appointments

1. Community Services Commission **[Action: Consider Appointment (Bell)]**

City Clerk Bell presented the staff report and recommended the City Council approve the recommendation of the Community Services Commission Interview Subcommittee by minute order to appoint Irma Ruport to the Community Services Commission for a two-year term to expire on March 21, 2025.

Council member Sasai, a member of the Community Services Commission Interview Subcommittee, detailed Ms. Ruport's background and stated she had been highly engaged in City Council activities. He looked forward to her service on the Community Services Commission.

Council member Tave, also a member of the Community Services Commission Interview Subcommittee concurred.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, suggested Irma Ruport would make an excellent Community Services Commissioner based on her past work in the community and based on his personal experience working within the Community Services Commission. Ms. Ruport had the necessary drive, stamina and vision to significantly contribute to the Community Services Commission.

PUBLIC COMMENTS CLOSED

ACTION: Motion by Council members Tave/Sasai to Appoint Irma Ruport to the Community Services Commission for a term of two years to expire on March 21, 2025.

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

C. City Council Committee Reports & Communications

Mayor Pro Tem Toms reported she had attended an MCE Board meeting; League of California Cities Housing Policy Committee meeting and briefed the City Council on the discussions and actions taken. She also commented on the series of recent weather events and calls she had received about trees in the community either owned by the City or by private citizens and she was pleased City staff would be considering that information. She had also received a number of complaints about potholes and suggested the City's bi-weekly administrative report include an email or telephone number to identify where significant potholes were located in the community.

Council member Martinez-Rubin reported she had attended the League of California Cities Revenue and Taxation Policy Committee and briefed the City Council on the discussions and actions taken; the monthly creek clean up would be held on Saturday, March 25 with everyone asked to meet at Henry Avenue by the bridge over Pinole Creek from 10:00 a.m. to 12:00 p.m., and from 12:00 to 1:00 p.m. a demonstration on water quality monitoring would be provided.

Council member Tave reported on the status of Senate Bill (SB) 691, Dyslexia risk screening, and noted that 10 percent of the population had dyslexia which was often not detected leading to future learning challenges. SB 691 was important legislation to ensure an early universal screening process.

D. Council Requests for Future Agenda Items

Council member Tave requested a resolution in support of SB 691 as a future agenda item. Consensus given.

Council member Tave requested the parameters for the previously approved Project Labor Agreement (PLA) be brought back to the City Council at a date certain in the next two months to allow City staff to provide a deadline as a future agenda item.

Mayor Pro Tem Toms understood the PLA Ad Hoc Subcommittee had not yet met and that should be done first, although Council member Tave wanted to move on language they had before and suggested a date certain in the next two months.

City Manager Andrew Murray clarified that staff had not prepared draft language to bring back but something could be crafted. There were a couple of models suggested when the topic had last been discussed and City staff could prepare a proposed citywide PLA, but the City Council had already established a PLA Ad Hoc Subcommittee to work on this topic.

Council member Tave recalled that City staff had been instructed to contact the Building and Construction Trades Council to develop some draft language with the PLA Ad Hoc Subcommittee to meet and bring that information back to the City Council. He wanted some language to come back so that a discussion and possible action could be taken by the end of May.

Mayor Pro Tem Toms, a member of the PLA Ad Hoc Subcommittee as was Council member Tave preferred the subcommittee meet first given the difficulty to negotiate an agreement at the dais without having gone through the subcommittee first.

Council member Tave reiterated his request and suggested having a date certain to get the “gears turning.” He clarified the timeline he envisioned was for staff to reach out to the Building and Construction Trades Council to develop some language for a PLA, which the subcommittee was to discuss, and if the City Manager reached out and obtained that language, the subcommittee could convene and hash out the language and bring it back to the City Council.

Council member Sasai seconded Council member Tave’s request for a future agenda item.

Council member Tave offered a motion seconded by Council member Sasai to bring back the Project Labor Agreement (PLA) discussion and action, with a date certain towards the end of May 2023.

On the motion, Mayor Pro Tem Toms explained she would vote no on the motion since they were already in the process, the City Council had voted to approve a PLA Ad Hoc Subcommittee and it would go to the City Council when ready.

City Manager Murray commented the direction was unclear. The request was to bring the item to the City Council absent input from the PLA Ad Hoc Subcommittee versus work through the PLA Ad Hoc Subcommittee process, which would not change the date certain. He clarified the Building and Construction Trades Council had a model, although during a prior conversation other examples of models had been mentioned, such as those from the cities of El Cerrito and Martinez, and West County Wastewater, and he was uncertain whether those models were all the same. He recalled there had been no discussion about using just those examples but the PLA Ad Hoc Subcommittee was to review all examples mentioned and come back to the City Council with a specific recommendation. He asked for clarification if Council member Tave was recommending not working through the PLA Ad Hoc Subcommittee process.

Council member Tave suggested working through the PLA Ad Hoc Subcommittee process would be great but a date certain and timeline was needed to go to the City Council and having that date would drive the conversation.

ACTION: Motion by Council members Tave/Sasai to bring back the Project Labor Agreement (PLA) discussion and action, with a date certain towards the end of May 2023.

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

ACTION: Motion by Council member Martinez-Rubin/Mayor Murphy for the month of May to be proclaimed as Mental Health Awareness Month as a future agenda item.

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

ACTION: Motion by Council member Sasai/Mayor Murphy for a presentation from the California Department of Housing and Community Development (HCD) on the HCD Pro-Housing Designation Program as a future agenda item.

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

ACTION: Motion by Mayor Murphy/Council member Tave for a resolution in support and partnership of the 2023 Contra Costa County Inflation Reduction Act Conference hosted by Diablo Valley College (DVC) and Contra Costa College on May 18, 2023 from 8:30 a.m. to 3:30 p.m., to be added at a City Council meeting in April as a future agenda item.

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

ACTION: Motion by Mayor Murphy/Council member Sasai for a resolution and addendum to a letter to State Legislators on transportation equity and funding as a future agenda item.

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

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

E. City Manager Report / Department Staff

City Manager Murray reported the City Council had previously approved a future agenda item for a presentation from Vision Zero Network. City staff had reached out but Vision Zero had declined the invitation. He reported the annual Easter Egg-Stravaganza celebration would be held on Saturday, March 25, 2023; a Special Joint City Council and Planning Commission meeting had been scheduled for March 28, 2023 and he provided an overview of the topics of discussion; with the next regular City Council meeting scheduled for April 4, 2023 and he provided a preview of the tentative agenda items.

City Manager Murray also provided a status report on road repair work and reported there had been no crack sealing or asphalt striping/patching done in the past month due to weather but 80 potholes had been filled and he identified the street locations involved. He also confirmed the next bi-weekly administrative report would include additional information on contact information for the public to notify the City about any potholes as the Mayor Pro Tem had requested.

City Manager Murray further reported on the two unmaintained City spaces populated with eucalyptus trees, one behind Pinole Valley Road and Samuel Street and the other off of Primrose Lane behind Pinon Park. The City had contracted with an arborist to assess the risk of the trees near Pinole Grove Senior Housing and there was to be trimming and cutting work done, although that work could not be done during inclement weather. Once the weather improved the work should commence on or around April 4, 2023. The same firm would also do an assessment of the eucalyptus trees in the area behind Primrose Lane in the next week and once the work near Pinole Grove Senior Housing was complete work would commence on the trees off of Primrose Lane. He added that City staff had requested multiple bids from various contractors to do the work although all firms were backlogged as a result of the severe storms in the Bay Area, with the exception of the firm from Hercules which would do the work. Updates of the work would be shared with those groups that had contacted the City including the member of the public who had spoken under Citizens to be Heard.

City Manager Murray also clarified, when asked by Council member Martinez-Rubin that the City did not have an entirely consistent system for categorizing its various parks and public spaces, which would be defined as part of the Parks Master Plan process currently under development. He clarified public open spaces that were not developed, which the City did not actively maintain related to some liability issues, with the two properties earlier described as two examples of unmaintained City properties where the City did not routinely cut brush or trim trees unless there was a safety issue. Those areas would be evaluated as part of the Parks Master Plan process to determine whether or not there was a desire to further develop those properties and make them actively maintained and installed amenities.

PUBLIC COMMENTS OPENED

Irma Rupert, Pinole, stated she had missed the opportunity to provide comments on Items 7B and 7D. She thanked the City Council for her appointment to the Community Services Commission and she looked forward to being positive and making changes in the community. She suggested the City was in need of a grant writer and she asked that a grant writer be brought on board, which had been done in the City of San Pablo, and suggested the City was losing out on potential grants.

PUBLIC COMMENTS CLOSED

F. City Attorney Report: None

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Nowruz

(15 minute recess for reception in City Hall Lobby)

The City Council read into the record a proclamation recognizing Nowruz, the Iranian/Persian New Year observed on the first day of spring, which was presented to former Mayor Vincent Salimi.

PUBLIC COMMENTS OPENED

Vincent Salimi, Pinole, thanked the City Council for the proclamation and wished everyone a Happy Nowruz. He reported he had been newly appointed as Airport Commissioner by the Contra Costa County Board of Supervisors representing the City of Pinole and had been recognized by the French government to work on international sanctions against Russia and Iran. On behalf of the Iranian-American community in Pinole, Contra Costa County, and the State of California he thanked the City Council, the City Clerk and Deputy City Clerk for recognizing Nowruz. He also thanked those individuals who had helped set up the table for refreshments for the reception in the City Hall Lobby. He described the background of Nowruz, one of the oldest holidays and celebrations of life that marked the beginning of spring and which was celebrated worldwide. He was pleased the City of Pinole had recognized Nowruz as a tradition.

Ushain Pakpour, performed a violin musical piece for the benefit of the City Council and members of the audience.

Mahsa Garakani, thanked the City Council for the opportunity to celebrate Nowruz. She too described the background of Nowruz, explained that the items on the table as part of the reception represented items that highlighted the celebration of Nowruz past and present and she took the opportunity to speak to the number of young Iranians who had lost their life a result of the movement for human rights in Iran.

Nastaran Nouri, further defined each item on the table and what it represented as part of the Nowruz celebration. She wished everyone a Happy Nowruz.

PUBLIC COMMENTS CLOSED

At 7:15 p.m., the City Council recessed for 15 minutes in the City Hall Lobby. The City Council reconvened at 7:30 p.m. with all Council members present.

B. Presentations

1. California Department of Insurance Presentation

Community Services Director Jeremy Rogers explained that the City Council had requested an overview of the California Department of Insurance and an update on the Safer Wildfire

Framework (SFW) with a presentation to be made by Mary Beth Bykowsky from the California Department of Insurance (CDI).

Mary Beth Bykowsky, CDI, Northern California, Outreach Analyst, provided a PowerPoint presentation on the CDI Overview & SFW, which included an overview of the CDI and the role of the Insurance Commissioner. CDI's purpose was to protect consumers, maintain insurer solvency, set standards for agents and broker licensing, perform market conduct review, resolve customer complaints, and investigate and prosecute insurance fraud but CDI could not require or compel insurance companies to sell insurance. She highlighted CDI's accomplishments for 2021 with respect to wildfires; removal of barriers to critical insurance benefits, coverage for evacuation expenses, extensions to additional living expenses, creation of disclosures and coverage to meet upgraded building codes, a one-year moratorium from non-renewals and increased non-renewal notice from 45 to 75 days.

Improvements to the FAIR Plan (basic fire insurance coverage for high-risk properties when traditional insurance companies would not provide coverage) was also highlighted along with regulations to lower costs and increase transparency. An overview of the SFW was also provided and it was clarified that CDI could not require insurers to write coverage and CDI expected the FAIR Plan to comply. It affected both community-level and property-level mitigation efforts and included both residential and commercial properties with additional information available on the CDI website.

Council member Tave asked whether the formation of a Fire or Preventative Maintenance District helped to decrease fire insurance costs. As an example, the City of Pinole had recently reopened a fire station and he asked whether that computed into the insurance premium.

Ms. Bykowsky advised she had provided a copy of the regulations to the Community Services Director that outlined all aspects that could be taken to reduce the risk scores, with the insurance company to inform an insurer of the potential discount. She noted that access to a fire station did not always guarantee a lower premium but there were things that could be done to a residence to lower the risk score. Insurers must tell a homeowner why their risk score was so high and the homeowner could then consider options to reduce the risk. She could also provide information on how neighborhoods could become a Firewise community which had the most discounts but which included specific steps and required quantification.

Mayor Murphy thanked Ms. Bykowsky for the presentation and thanked the Insurance Commissioner's Office for creating the first Climate and Sustainability Department in the nation.

Mayor Pro Tem Toms clarified with the City Clerk the PowerPoint presentation and any additional information would be posted on the City website and other City platforms. A memorandum had also been provided just prior to the meeting also to be posted on the City website with the rest of the agenda packet materials.

2. Introduction with Local Active Transportation Non-Profit Organization Bike East Bay by Robert Prinz, Advocacy Director

Robert Prinz, Advocacy Director, Bike East Bay, provided a PowerPoint presentation titled, Introduction with Bike East Bay, which included an overview of Bike East Bay, which served Contra Costa and Alameda Counties and which had recently celebrated its 50th anniversary.

Bike East Bay consisted of a 12-person all volunteer team whose mission was to promote safe streets for all road users and sustainable and affordable mobility for all. Mr. Prinz highlighted the efforts of the organization to get bicycles on the BART system 40 years ago since BART initially did not allow bicycles, and the efforts to create bike spaces on the new BART trains, free bike parking facilities and secure bike lockers at all BART Stations. He reported that bikes may be taken for free on all Bay Area transit systems which all had bike access and free bike parking.

Bike East Bay events, education and advocacy included Bay Area Bike to Work Day to be held on May 18, 2023, with the month of May to be Bike Month. Throughout the year social activities included a spring and fall ride series, which explored beautiful locations throughout the East Bay; free bike education programs for youth and families with partnerships with other bike organizations; Bike Build and Giveaway in coordination with the Fast Freddy Foundation and an affordable housing developer to provide free bikes to children in an affordable housing development; and adult bike education and anti-theft workshops were also provided. Advocacy efforts included the need to provide Class I bike trails, traffic calming networks and the creation of pop-up bikeways with temporary materials.

Bike East Bay, as a non-profit (c)(3) organization, also lobbied around ballot measures and had been successful in integrating bike education programs into affordable housing and sustainable housing grant applications at the state level and into transit infrastructure.

Council member Tave asked whether Bike East Bay helped with grant writing for bike paths or helped in the conversation with city staff and Mr. Prinz stated he had participated in some grant applications but Bike East Bay participated as a program provider, providing letters of support or other types of community assistance to make a grant application more competitive. The grant writing was typically done by city staff. As a community partner, Bike East Bay could participate in a grant application by making it more competitive by adding its own programs, but it would not prep the grant application itself.

Council member Sasai asked for more details on the pop-up events to which Mr. Prinz explained that Bike East Bay had done more pop-up events over the years and they were getting more professional over time. For the pop-up events, Bike East Bay would have to partner with a city, obtain official permission and ensure the jurisdiction was okay with the design concepts. As an example, for a pop-up event held in the City of San Leandro, Bike East Bay served as a subcontractor with a consulting firm that had done the design aspect, with Bike East Bay assisting with volunteer coordination and actual construction of the materials. The trend was to make sure the pop-up events looked more official to ensure the level of feedback was more detailed.

Council member Sasai asked whether Bike East Bay contracted with cities that implemented Complete Streets projects and was informed by Mr. Prinz that Bike East Bay had partnered with the City of Pittsburg for community outreach as part of its bike plan update. As a non-profit, Bike East Bay's administrative capacity was not as high as a consulting firm and more often it partnered as a subcontractor with a consulting firm on a project.

Council member Martinez-Rubin appreciated that bikeways could be created to also benefit those using scooters, such as seniors. She asked whether Bike East Bay had any affiliation or connection with cyclists who traveled from Orinda into Pinole, as an example.

Mr. Prinz stated there were a lot of bicycle clubs in the East Bay. He suggested those who were not biking yet were those who should receive the focus with the infrastructure upgrades, with an understanding why people were not biking and what needed to be done to make those people feel safe and comfortable. He described bicyclists as having different constituency and needs with the intent to find a common denominator that focused on safety, diversity of the ridership and increasing access to all.

Mayor Pro Tem Toms thanked Mr. Prinz for the presentation. She commented that she had seen Bike East Bay's advocacy throughout the County which was much appreciated.

Mayor Murphy encouraged Bike East Bay to consider Pinole's Earth Walk during the month of April as a way to engage with the community.

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

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 March 7, 2023 meeting.
- B. Receive the March 4, 2023 – March 17, 2023 – List of Warrants in the Amount of \$853,010.60 and the March 17, 2023 Payroll in the Amount of \$569,801.86
- C. Receive the 2022 Annual General Plan Housing Element Progress Report as Required by the State of California **[Action: Receive and File Report (Whalen)]**
- D. Second Reading of an Ordinance Amending Title 2, Administration and Personnel, of the Municipal Code to Provide the Contra Costa County Fire Protection District with Jurisdiction and Authority to Conduct Fire and Emergency Medical Response Services Within the City of Pinole **[Action: Waive Second Reading and Adopt Ordinance (Casher)]**
- E. Resolution in Support of State Funding for Adult School Classes for Older Adults **[Action: Adopt Resolution per Staff Recommendation (Murray)]**
- F. Resolution Expressing Concerns Regarding the Delta Conveyance Project (Delta Tunnel) **[Action: Adopt Resolution per Staff Recommendation (Murray)]**

- G. Ordinance Amending Chapter 8.24 and 8.25 of the Pinole Municipal Code to Modify Provisions Concerning Nuisance Abatement Procedures and Related Code Enforcement **[Action: Waive Second Reading and Adopt Ordinance (Casher)]**
- H. Approve Resolution Approving Amendment to Purchase and Sale Agreement and Joint Escrow Instructions with LDW Investments for Purchase of 612 Tennent Avenue **[Action: Adopt Resolution per Staff Recommendation (Murray)]**
- I. Approve Revisions to Council Procedures **[Action: Adopt Resolution per Staff Recommendation (Bell)]**

Council member Tave requested that Item 9I be pulled from the Consent Agenda.

City Clerk Bell spoke to Item 9A and stated she had received a comment from Rafael Menis, who requested a revision to comments he had made on Page 19 of the March 7, 2023 meeting minutes, as follows:

Page 19, the first paragraph, to be revised to read:

Mr. Menis also referenced Page 158 (c) of Public Comment, and suggested the language that had been stricken in this section should not be reinserted as a matter of the Brown Act and public policy in that having questions being asked by the public was a net benefit both to the City Council and to the community by allowing for a broader range of items to be brought up by the public, and allowed a more thorough consideration by the City Council and City staff on any given topic.

Mayor Murphy requested Item 9G be pulled from the Consent Agenda.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, reiterated his requested revision to Item 9A as read into the record by the City Clerk with a time stamp point in the video recording having been provided to staff as a cross reference. For Item 9C, he commented on the number of building permits that had been issued for Accessory Dwelling Units (ADUs) as shown on Page 52 of the agenda packet, which was more than had been issued in the past. For the same item, Page 54 of the agenda packet, Table 2- Building Permit Issuance Progress as of 2022, had shown over the entire 5th Cycle Housing Element that the City of Pinole had issued zero building permits for Very Low and Low housing categories and one permit for the Moderate housing category, which he flagged since that was the reason he was concerned that certain tables would be in place in the updated 6th Cycle Housing Element, to confirm the City would meet its Very Low and Low income housing category requirements. As to Table 3 – Major Development Projects in “Pipeline” also shown on Page 54, it had shown the City’s progress towards that goal with Satellite Affordable Housing Associates (SAHA) making up a significant portion of the Very Low income units to be built across all categories despite the fact it was one project.

As to Page 61 of the agenda packet for Item 9C, Mr. Menis commented that Table B, Regional Housing Needs Allocation Progress Permitted Uses Issued by Affordability, had shown the Extremely Low income category need but there did not appear to be a plan to implement that need.

Mr. Menis asked whether the City had a plan as part of the 6th Cycle Housing Element or some other process to identify how it planned to meet that category and whether it was a required category separate from the Low income category need as a whole.

For Items 9E and 9F, Mr. Menis supported both resolutions and the City moving forward on each item. As to Item 9G, Page 91 of the agenda packet, he referenced the March 21, 2023 staff report, which discussed Attachment C and included a summary of a sampling of code enforcement cases open in 2022, and the rate of compliance after a courtesy notice was provided. A vast majority of cases were able to be resolved through a courtesy notice absent the need to go further into the escalation process and as shown on Page 120 of the agenda packet of Attachment C, Chart 3, Types and Number of Cases that Moved Beyond Courtesy Notice, Calendar Year 2022, as shown. He suggested it would be worthwhile to amend the ordinance to state that the City still offered courtesy notices by default except in those cases that had been shown through the data to not have courtesy notices actually resolve the issue.

As part of the City Council's discussion of Item 9G, Mr. Menis suggested the City Council consider having the courtesy notice remain as a default except for the specific categories where it was not effective given that the vast majority of time the courtesy notice was sufficient.

As to Item 9H, Mr. Menis asked for more information on the significant amount of predevelopment funds and clarification why the buyer was originally going to pay \$400,000 for the parcel at 612 Tennent Avenue while the City's neutral accessor had assessed the property at \$230,000.

Maria Alegria, Pinole, spoke to Item 9I and asked that the City Council bring the item back for discussion to amend the resolution, which was inconsistent with the Pinole Municipal Code (PMC) since it stated City Council meetings would start at 5:00 p.m. whereas the PMC stated a 6:00 p.m. start time as shown on Page 131 of the agenda packet. As to Pages 131 and 132 of the agenda packet related to Section 6. Agenda Preparation, she asked that the requirements of the Brown Act be inserted in this section with the final agenda to be prepared 72-hours in advance of the regular meeting. Page 132, under Roll Call, City Clerk's Report & Statement of Conflict, she asked that the statement "potential conflict of interest" be added pursuant to Government Code, which defined a potential conflict of interest.

In addition, Ms. Alegria referred to Exhibit A, Norms of Behavior, which should be a standard on how the City Council comported itself at City Council meetings. She commented that over the past two City Council meetings, she had witnessed disparaging remarks by Council member Martinez-Rubin to other Council members she disagreed with which was unacceptable. She asked that the Norms of Behavior be added to Roll Call, City Clerk's Report & Statement of Conflict and that the City Council review the Norms of Behavior annually. Lastly, the City Council procedures should be consistent with the PMC as it related to City Council relations with the City Manager to take his or her orders from the City Council only at a duly convened City Council meeting.

Irma Ruport, Pinole, referenced Item 9G, and disagreed with waiving the second reading, suggesting the City Council consider a first reading since additional information had not been included as requested by the Mayor. She suggested the item be sent back to staff with information and statistics provided on code enforcement. She also commented she had read some of the information and suggested the City of Hercules had done a good job with its code enforcement. Hercules conducted on-site visits with a knock on the door and speaking to the neighbor.

Ms. Ruport opposed a complaint-driven approach, which was not sensitive to residents. She pointed out that code enforcement had not occurred for a few years and a more positive, kinder and gentler approach should be considered. In addition, for Item 9I, she agreed with the comments provided by the prior speaker and agreed with the request for additional amendments. She suggested the Norms of Behavior should be out in the public, with civility and respect for one another provided. She wanted to see everyone play fair with the public and be kind to one another.

Peter Murray, Pinole, referenced item 9H and asked for clarification of the resolution to approve an amendment to a purchase and sale agreement. He asked whether it was an amendment to an existing agreement already in place given the significant change in value in the property mid-stream.

PUBLIC COMMENTS CLOSED

Speaking to Item 9G, Mayor Murphy commented this was the second time the item had come before the City Council. He wanted to spend time on the data collected and noted during the last meeting, the City Council had wanted more information on the results of what other jurisdictions in Contra Costa County were doing, and more information on the City's code enforcement cases. In 2022, Pinole had a total of 628 cases, which began with a courtesy notice, and of those cases 19 cases remained open today and were in the process of being resolved and had not received further notices to date. A total of 549 cases had been closed, equating to nearly 90 percent of the cases closed after receiving a courtesy notice evident of notifying residents of the need to comply with the PMC.

Mayor Murphy explained that he would be voting against Item 9G. He referenced Page 120 of the agenda packet and Chart 3: Types and Number of Cases that Moved Beyond Courtesy Notice, Calendar Year 2022, which data had shown the City must move to educate the public on the violations as opposed to being punitive. He suggested the City's current process was fair, recognized the City had done a lot through communication and public engagement to educate the public about what was important and how to keep people healthy and safe. He also found the types and number of cases, as outlined in Chart 3, to be the areas where it was important to educate the public.

Mayor Murphy suggested the amendments to the ordinance were not the right answer. He suggested the charts in the agenda packet were useful and he looked forward to seeing more information from staff on how the process was going, but he urged the City Council to oppose the ordinance and rather educate the community as opposed to being punitive.

Also speaking to Item 9G, Mayor Pro Tem Toms stated there were neighborhoods that had the types of code enforcement cases as outlined and it was not useful to extend the time to allow violations to continue which created unsightliness and hazards and created a problem with the quality of life. The ordinance was worded whereby if someone needed more time and made progress that could be communicated to staff. She found there were many violators that ignored the PMC and code enforcement with the neighborhood having to put up with the violations that much longer. She supported streamlining the process to achieve compliance.

Council member Tave understood if the process was streamlined it built the case for the City for the violator to achieve compliance and he asked the City Attorney to opine on the pros and cons of the City's position.

City Attorney Eric Casher reported the ordinance had been reviewed through the lens of due process considerations and whether it provided adequate time for a recipient of a complaint to have adequate time, and where it had been found to be consistent with regulations in other jurisdictions which provided time to respond to a notice of violation and afforded an appeal process. There were mechanisms in place to appeal and elevate the violation if there was no final resolution from the complainant. He suggested there were no due process concerns from a legal standpoint. There were a number of amendments proposed to the ordinance, with the focus currently on the courtesy notice, which really constituted a minor change in language, from where the City "shall" provide a courtesy notice to "may" provide a courtesy notice. As the Community Development Director previously stated, it would be her practice to issue a courtesy notice in situations where she found it to be appropriate and at her discretion.

Council member Tave suggested they were speaking of a small percentage of people who had received a courtesy notice and if the language was changed back to "shall" provide a courtesy notice it would capture around 90 percent of the people. He otherwise had an issue with calling the individual a "violator" and suggested evaluating how code enforcement was considered. He asked of the staff time to address those code enforcement cases where someone did not respond to the first courtesy notice.

Community Development Director Lilly Whalen explained that when staff received a complaint staff investigated the complaint for validity. If valid, a courtesy notice was mailed to the individual and an inspection scheduled for 14-days later. Inspection would verify whether the issue had been resolved. If resolved, staff would contact the property owner or tenant and thank them for resolving the issue and the case would be closed. If the issue was not resolved, staff would send out another courtesy notice and actually send out two to three courtesy notices thereafter and if there was no contact with the property owner, a Notice of Violation would be issued. As to the number of renters versus property owners, she did not have that information but clarified the letter was sent to the property and where the property owner received their tax bill.

Mayor Murphy reiterated his reasons for opposing the ordinance, as proposed, since it would perhaps expedite a process allowing the City to issue notices of violation whereas 87 percent of the issuance of courtesy notices resolved the situation. If the ordinance passed as amended, a courtesy notice would be an optional step for staff leaving a nuance around whether or not staff had particular decision-making authority to issue a notice to one person or another.

Mayor Murphy encouraged the City Council to consider the City Attorney's recommended language revision from "may" to "shall" provide a courtesy notice. Another amendment included a defined Administrative Hearing Officer as opposed to what could be a public or people centered Board of Appeals, which gave one person authority over the appeal process as opposed to at least three people who would comprise the Board of Appeals. With the proposed changes in the ordinance, he could foresee a more punitive system the City was not ready to address, and while code enforcement was being improved, he wanted to see the data to identify the problems where education should be provided to the public instead so that residents may understand why they were not in-line with the PMC.

Mayor Murphy opposed taking away the current process to educate people more as opposed to a clear decision point by City staff if the ordinance was adopted. He suggested the City had not educated the public enough around the top three code enforcement issues which had been identified in the current data, and as reflected in the March 21, 2023 staff report. He reiterated that there were better ways to address the situation than expediting the process including better educating the public on the rules of the PMC.

Council member Sasai thanked the Mayor for requesting the additional data and for explaining why he opposed the proposed amended ordinance and the members of the public for providing their personal experiences with code enforcement. He stated he would always support safety and supported code enforcement for violations that impacted public safety. Given that 87 percent of the code enforcement cases were closed after receiving a courtesy notice, of the remaining 13 percent of code enforcement cases he asked staff whether or not those cases involved any examples of injuries or impacts to public health.

Community Development Director Whalen had no knowledge of any examples of code enforcement cases that were unresolved which had resulted in injury or impact to public safety.

Council member Martinez-Rubin understood the greater percentage of those noticed had responded to the courtesy notice but she referred to Attachment C, Courtesy Notice of Compliance Rates for Cases Opened in 2022, as shown on Page 121 of the agenda packet, and commented the data for outdoor storage accumulation, as an example, was the type of visual effect that impacted neighbors. She also commented on a prior discussion of the City Council as to whether code enforcement should be under Community Development or the Police Department, with the City Council leaning for code enforcement to be under the umbrella of the Community Development Department, largely to allow for the appropriate education to occur in the way the process had currently been defined.

Council member Martinez-Rubin understood it was difficult to have the preventative data for the code enforcement violations they were trying to prevent, with the flip side that the data was not available to demonstrate any harm and determine the effectiveness of the program. Of the code enforcement cases where the most time was spent by City staff, and while not reflected in the data, deserved attention and where possibly a different kind of process could be considered to address the recalcitrant individuals and continue the program as is, while designing a process that focused on the cases and categories of violations that had historically been problematic in Pinole.

Council member Martinez-Rubin also commented that working people and seniors may find it difficult to clean out their spaces and she hesitated to group everyone into one category who may not recognize what was considered a quality of life issue. If someone needed more time to address the accumulation of outdoor storage, as an example, it could be allowed by the City. She otherwise found the process had not been designed to be punitive while it may feel that way and staff had operated that way since code enforcement organizationally was under the umbrella of the Community Development Department. She also found the educational component would not be lost and would remain in the ordinance, as amended, and it would ensure those who were impacted by a few were not continually impacted by those few.

Council member Tave pointed out only 22 cases had resulted in three courtesy notices, which was a small number indicating to him the system "as is" was working well.

Community Development Director Whalen confirmed that a small amount of cases had to move on to subsequent courtesy notices which staff had observed over the past six months to a year, and which was why staff had brought the amendments to the City Council for consideration. Staff was of the opinion the ordinance would benefit from having flexibility in being able to move on to the official notice step in certain cases. Staff's intent was to continue with the current code enforcement practice and always issue a courtesy notice except in cases where there was imminent health and safety issues or where there were repeat violations on a property with a non-responsive individual.

Community Development Director Whalen suggested if the City Council was interested in narrowing the types of cases that could move on and not receive a courtesy notice at staff's discretion, she could bring back a sampling of code enforcement cases in the staff report from the last calendar year and could work with the Code Enforcement Officer on the types of code enforcement cases that should either "shall" or "may" receive a courtesy notice.

Mayor Murphy was open to continuing the item. He asked how the public had been engaged on the issue since the last City Council meeting. He also asked for input as to why of the total number of code enforcement cases, 19 cases had been found to be so detrimental to the community where the current system had to be changed to address those violations. That data set would be very helpful for the discussion and provide a better understanding of the issues where code enforcement should spend its time. He also wanted to know how residents could be involved in this discussion since changes had been proposed to the citizen engagement process.

Mayor Pro Tem Toms supported a continuance of the item to see if the courtesy notice piece could be narrowed. She offered a motion, seconded by the Mayor to continue the item to a future meeting.

On the motion, Council member Martinez-Rubin requested clarification as to what information would be brought back to the City Council. She understood that staff was to come back with more information to identify an approach that could work for the most difficult cases.

ACTION: Motion by Mayor Pro Tem Toms/Mayor Murphy to continue Item 9G, to a future City Council meeting.

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

Speaking to Item 9H, City Manager Murray responded to the public comment and clarified why the prospective buyer had initially offered a higher price which the City had accepted and was now willing to accept the assessed value of the property, which was much lower and which had been due to changes in the environment and the prospective buyer's understanding of the project and the requirements. He commented that financing and building costs had also increased dramatically but this was the most attractive purchase price and staff had done its due diligence with an assessor having verified the fair price. All information had been outlined in the staff report.

As to Item 9I, Council member Tave offered a motion, seconded by Mayor Pro Tem Toms to table the item until such time as the Municipal Code Update Subcommittee could return with changes. He wanted to ensure any changes made were consistent with the PMC.

ACTION: Motion by Council member Tave/Mayor Pro Tem Toms to table Item 9I until such time as the Municipal Code Update Subcommittee could return with changes and review any inconsistencies with the Pinole Municipal Code.

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

ACTION: Motion by Mayor Pro Tem Toms/Council member Tave to adopt Item 9A, (as amended) and Items 9B, 9C, 9D, 9E, 9F and 9H, as shown.

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

10. PUBLIC HEARINGS

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

- A. Conduct a Public Hearing and Adopt Resolution Approving, Authorizing and Directing Execution of a Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority and Approving a Plan of Finance Including the Issuance of Revenue Bonds by the Authority to Finance and Refinance a 33-Unit Multifamily Rental Housing Facility for the Benefit of Pinole Housing, L.P., Or Another Entity Created by Satellite AHA Development, Inc., Or Satellite Affordable Housing Associates (Or an Affiliate) and Certain Other Matters Relating Thereto **[Action: Conduct Public Hearing & Adopt Resolution (Whalen)]**

Mayor Murphy stated he had been asked to read into the record the following statement: *We are here this evening to conduct a public hearing pursuant to the Federal Tax Equity and Fiscal Responsibility Act also known as TEFRA. TEFRA requires that a public hearing be held by the governing body of the jurisdiction in which a project to be financed with tax exempt financing is located and that that governing body approve the proposed financing. Satellite Affordable Housing Associates (SAHA) has asked that the California Municipal Finance Authority, also known as the CMFA be the issuer of tax exempt financing in an amount not to exceed \$30 million dollars to finance the acquisition, construction and improvement of a 33-unit multifamily rental housing facility for low income households to be located at 811 San Pablo Avenue in the City of Pinole. The CMFA is a Joint Powers Authority (JPA) formed to assist local governments, non-profit organizations and businesses with the issuance of both taxable and tax exempt debt.*

The debt to be issued by the CMFA will be the sole responsibility of the borrower and the City of Pinole will have no financial or legal obligations or responsibilities with regards to the repayment of the debt. All financing documents will carry disclaimers that the loan is not an obligation of the City. The City will also bear no costs in the issuance of the proposed debt. It is recommended tonight that the City Council adopt a resolution approving the issuance of bonds by the CMFA for the benefit of the borrower. Such adoption is solely for the purposes of satisfying the requirements of TEFRA and California Government Code Section 6500. The resolution will also authorize the City Manager or designee thereof to execute the Joint Exercise of Powers Agreement with the CMFA.

Community Development Director Lilly Whalen provided an extensive PowerPoint presentation for the TEFRA Public Hearing for SAHA, 811 San Pablo Avenue, which included the background of the project and public benefit for the City-owned vacant lot at 811 San Pablo Avenue to be developed by SAHA for 33 units of multifamily rental housing consisting of 29 one bedroom units and four two-bedroom units, with rents affordable to Very Low and Low Income households, with earnings between 30 to 60 percent of the Area Median Income (AMI) to be affordable for 55-years. SAHA had completed the entitlement process and was due to pull building permits in June 2023 to start construction.

Community Development Director Whalen highlighted the roles and responsibilities of the developer/borrower SAHA, the bond issuer CMFA and local agency, the City of Pinole along with the permanent financing sources. She recommended the City Council conduct the public hearing under the requirements of TEFRA, as defined, and adopt the resolution contained in Attachment A to the March 21, 2023 staff report, as shown.

Mayor Pro Tem Toms clarified with Ngan Mai, the Project Manager for SAHA, that all funding had been secured.

PUBLIC HEARING OPENED

Rafael Menis, Pinole, commented based on the financing that SAHA wanted to claim roughly \$15 million worth of tax exempt bonds but was asking for authorization for \$30 million which he asked be clarified. He also asked how much money the City would receive for its portion from the CMFA and commented on his understanding the conduit funds were only for projects that directly involved the City. Assuming the bonds created no liability or obligations for the City, the City holds the public hearing, and had the cost for holding the public hearing, with the borrower to get the funds and the City to get a portion of the money the borrower paid to get the funds. He asked whether his understanding that there would be no downside to this agreement was accurate.

PUBLIC HEARING CLOSED

Travis Cooper, CMFA, explained that the \$30 million was a not-to-exceed amount, a tax code issue in all bond documents and resolutions and the borrower could not exceed \$30 million and borrowed under that amount. When bonds were issued for any type of project in the state there were issuance fees. As part of the CMFA program, when issuance fees were brought in, CMFA would donate 25 percent of its fees to a nonprofit, 25 percent back to the local municipality and in this case the City of Pinole would receive roughly \$11,000 and some change, depending on the pricing of the deal and issuance of the bonds.

Also, it had been stated in great detail what the funds could go towards, as outlined in the resolution and in the indentured and all bond documents. None of the funds could be spent on anything else other than what had been stated in the resolution with about five different governmental agencies and equity lenders overseeing the project through completion to ensure all funds were spent in accordance with the regulations.

ACTION: Motion by Mayor Pro Tem Toms/Council member Martinez-Rubin/Tave to adopt a resolution becoming a member of the California Finance Authority (the "CMFA") and approving the issuance of the Bonds by the CMFA for the benefit of Pinole Housing, L.P., a California limited partnership, or another ownership entity to be created by Satellite AHA Development, Inc., a California nonprofit public benefit corporation, Satellite Affordable Housing Associates, a California nonprofit public benefit corporation, or an affiliate thereof (such limited partnership or other ownership entity being referred to herein as the "Borrower"), to provide for the financing of the Project. Such adoption is solely for the purpose of satisfying the requirements of TEFRA, the Code and the California Government Code Section 6500 (and following). The resolution will also authorize the City Manager or their designee to execute the Joint Exercise of Powers Agreement with the CMFA.

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

11. OLD BUSINESS: None

12. NEW BUSINESS

A. Review New City Logo Concepts and Provide Direction [**Action: Discuss and Provide Direction (Epps)**]

Assistant to the City Manager Fiona Epps presented the staff report. She also read into the record an email dated March 21, 2023, from Corrina Gould, Tribal Chair/Confederated Villages of Lisjan Nation and Co-Director of the Sogorea Te Land Trust, with whom City staff had spoken with about the City's logo/seal and who had been asked to review the City Council staff report, which had been included as supplemental material for Item 12A and posted on the City website.

Ms. Epps explained in response to Ms. Gould's comments that City staff preferred to steer away from using a human character in the City seal to avoid all possibility of offense, exploitation or inaccurate representation that commonly resulted from using a mascot. The City had worked with the Consulting Firm, Tripepi Smith on a number of communication projects including the City Logo/Seal redesign. Tripepi Smith had prepared a series of City Seal/Logo redesign options.

Kevin Bostwick, Creative Director, Tripepi Smith, provided a PowerPoint presentation on the Logo Exploration with the goal of how to move forward with a City of Pinole logo that resonated for the community and recognizing comments about the appropriateness of the current imagery of the City's logo. The City was considering the modernization of the City's logo and the City Council may adopt a new logo design.

As part of stakeholder input, a staff team and Tripepi Smith had met and conducted an interview along with research and analysis of neighboring City logos. Based on those discussions, logo development included three updated versions of the existing logo and eight new logo options. Based on the staff feedback and feedback from a weighted survey, one modernized favorite and four new logo favorites had been identified.

Mr. Bostwick emphasized there had been input from the Confederated Villages of Lisjan as staff reported. Feedback from the stakeholder interview and weighted survey was highlighted which had driven the logo development for the four new logo options and one modernized version of the existing City logo; however, this option was no longer being recommended by City staff for the reason enumerated by staff.

Of the new logo design options, the most favorite was Option 6b, which included light tints and soft edges creating a welcome landscape scene, with the circle creating a portal feeling, a creek running through it and with the Bay in the background. Horizontal versions of each design were also provided. The second favorite was Option 5b, which included geometric shapes of hills and the Bay adding weight to the option and consisting of a Dark Blue arch inspired by the high school arch, which also created a portal feeling reflecting how Pinole felt like a refuge and with two strong lines at the base which ground the icon and could be interpreted as tracks or road highlighting historical access to transportation. The third favorites were Options 4a and 4b, which included a bridge and tree. This option balanced homes and terrain and included a subtle "P" in the sky, was light and airy with simple elements and white space, gold and green hills, blue creek and Bay with the houses reflecting livability.

Side by side views of all the logo options were presented including the one modernized version of the current City logo. A collection of regional, neighboring City logos and related entities was also provided which reflected the diversity of the logos and how one may relate to each community and help inform the conversation for how the City could move forward with a logo that resonated with the community and with the City's branding efforts.

Council member Martinez-Rubin asked for more information on how community engagement would be provided and Assistant City Manager Epps commented that staff hoped the City Council would provide direction. Staff sought community input moving forward and she recommended the creation of a forum for the public to provide its opinion and ideas about the logos, similar to the input on the Community Corner. Staff hoped to return to the City Council with more refined logo concepts from community input.

Council member Sasai inquired of the decision making process for the color schemes for the different logo design options and the type faces, and Mr. Bostwick explained that the logo options had been presented with different color variations earlier in the process with the options presented being the favorites. He explained that options had been presented with different font variations and it was clear across all options that the Serif All Caps Font for the name Pinole and a smaller modern Sans Serif Font below was a combination that added the right elegance and was not too old-fashioned. That font had been applied to all of the options.

In response to the Mayor Pro Tem, City Manager Murray clarified the stakeholders were the Department Heads and City Clerk with a focus group of all Department Heads having met with the exception of the City Attorney.

It was intentional that the public engagement process had been deferred pending some advance work to create options that were heading in the right direction. The next step was feedback from the City Council on a limited set of designs and a return to the City Council with new design iterations and a summary from the public engagement process.

Council member Tave asked how the City's history had been taken into consideration in the new logo design iterations or whether that component could be added and incorporated, and Mr. Bostwick reiterated the initial conversations about the logo development when a simpler logo design had been proposed but community input would allow any kind of consensus around a historical element that resonated and meant something to the broad swath of the community.

PUBLIC COMMENTS OPENED

Helena Mazzariello, Pinole, commented she was primarily concerned with Ms. Gould's comments and how the indigenous community felt about the City's original logo and any possible changes. She had contacted Ms. Gould through Facebook and others on the platform who had offered opinions on the City's logo. She thanked staff for the history of the City's logo and found that the new logos appeared more like a logo for a bank and not appropriate for the City of Pinole. She commented that the modernized logo was acceptable with the removal of the indigenous person since it was nice and suggested adding another bird, piece of an oak tree or acorn in place of the indigenous person. She pointed out that "pinole" meant nourishment. She otherwise liked the logos from the cities of Oakland and Walnut Creek.

Irma Rupert, Pinole, did not like any of the logos presented which were simple and were being selected by people who were not members of the community. She suggested there should be input from the community including artisan groups in the City and possibly a contest with school children to allow the community to get excited about a new logo as opposed to an isolated decision from a few people. She did not like the colors of the new logos nor the logos themselves and she again questioned why people who were not from Pinole were making a decision about the City's logo as opposed to those who lived in the community and had a lot to say. She urged the City Council to engage everyone in the community on a new logo design.

Rafael Menis, Pinole, recognized that many had an attachment to the current logo image but for the same historical reasons, the opinion of the Confederated Tribes of Lisjan should govern what was or was not appropriate on the City's logo/seal. The request to remove the indigenous person from the City logo/seal, as requested by the Confederated Tribes of Lisjan, was appropriate and in the spirit with the land acknowledgement and the City's effort to work with those communities that had been displaced. He strongly opposed the modernized logo concept with an indigenous person in it. He understood this was just the start of the process since further input was being sought, which he suggested should also include the Community Services Commission. He also suggested Options 4a and 4b may have some unintended visual associations that the City should avoid. He further suggested the railroad tie-ins and ability for the logo to be a sideways "P" as part of the second option worked nicely but the logos felt relatively abstract and disconnected from the City as a whole and something more grounded and representative of Pinole without taking offense with community engagement was warranted.

PUBLIC COMMENTS CLOSED

Council member Tave suggested this was a good start but community engagement was needed, which was where they would see nuances woven into the logos. He supported more nods to Pinole's history in the logo and looked forward to the community input.

Mayor Pro Tem Toms suggested the logo design that had been identified as the favorite and which had been depicted in the staff report, included a logo design above it with bolder colors and was worthwhile as an option for the community to consider. She liked the restructured City logo minus the depiction of the indigenous man since the colors were bolder. The color schemes for most of the logos may be a popular color scheme in 2023, but something bolder was preferred and had been depicted in some of the other seals from other cities, such as the City of Martinez, which had a deep blue, and the logos from the cities of Oakley and Walnut Creek which included a deep green. She recommended a bolder color palette.

Council member Martinez-Rubin spoke to the logo that had been considered the favorite which included what appeared to be hills behind the Bay, which should be clarified. She suggested the second most favorite option appeared to be a hat and not a portal. She noted there were people involved in the design committee for the school and if that had been the inspiration for the arches in this logo concept, the arches related to Pinole's Spanish and European history. As to the logos that included a design of the letter "P," she was unsure whether the blue circle in that logo concept was depicting the sun, moon or neither.

Council member Martinez-Rubin commented that considering Pinole was a place to live, the logos that depicted houses should be better defined. As to concerns with the appropriateness of some images and depictions in a multicultural society, she found the notion of removing the indigenous person from the original logo to be acceptable. She also found the universal aspect of the logo meant to her that they all shared land and it was not about ownership of the land, who came first or last, or what year, but the land that was there, the hills of Pinole, the Bay and while the creek had not been included, it did lead into the Bay.

Council member Martinez-Rubin commented the idea of having something historic in the logo was noted and "pinole" did originate from the earth from seeds, and she commented that the current seal included seeds between the flowers and something tiny denoting nourishment, food and sustenance such as a seed was important.

Council member Sasai suggested the removal of the indigenous individual from the current logo could be considered an erasure of indigenous persons in Pinole, although he understood that Ms. Gould was clear that the use of a mascot was not something the Confederated Villages of Lisjan supported and he deferred to them on that matter. He noted the staff report had mentioned an economic development specific logo and having recently traveled to the Philippines, he commented on how it approached economic development and design. One of the cities he had visited next to metro-Manila had an intricate and traditional corporate seal used on official city documentation and an economic development logo, which was more modern and used for engagement in the community and in social media outreach. He referenced the logo for the City of Berkeley which identified and embodied the diversity of the City. The City of Oakland's logo with trees and roots was timeless and reflected the roots of culture in that community and the people who shaped it. He suggested the City Council should be intentional and engage the community throughout the process.

Council member Sasai offered a motion to establish an Ad Hoc Committee to collaborate and guide the consultant and appropriate staff on designing a corporate seal and economic development specific logo and branding style guide and bring it back to the City Council and to the community.

Mayor Murphy thanked staff for taking on the project. He was aware that in having current conversations with the public on this issue it would engage people and would include stories that would unfold and be told. He thanked the consultant team for the logo options presented, but commented that he did not particularly care for them. He referenced the background of the land acknowledgement, which had been added to meeting agendas and why that was so important, and he wanted the consultant to be aware of the City's developing partnership with the Confederated Villages of Lisjan and what that land acknowledgement meant, particularly in a public setting. The land acknowledgement was a commitment to partnership and the beginning of that partnership. He noted the City would not be changing its logo today, there was a continuing partnership with native peoples and the process would evolve. Based on input from the Confederated Villages of Lisjan, the current City logo/seal was offensive, and he wanted people to understand the City was considering changing the logo because it was the right thing to do.

Mayor Murphy was excited about this process and noted that the Strategic Plan included a policy about thinking ahead for the next 10 to 20 years, and this process was overdue and was part of the Communications and Engagement Plan, where the City Council now had the opportunity to think about questions and elements it wanted referenced in the logo, such as nourishment, the green spaces, empathy and inclusion in schools and in the community, which elements must be reflected in the logo's design and be addressed through the public engagement process.

Mayor Murphy wanted to see the City reach out to Pinole artisans who would be a great partner and as a plan was developed consider more options to center around a new logo concept. Also, the use of the Balancing Act Tool would allow people to prioritize online what was important to them and a module could be set up to identify a logo that would identify the most important elements to include in a City logo. He preferred a logo that would honor the City's history, but also create an opportunity for the next 20 years, and recommended that the Technology and Communication Subcommittee could address that issue.

Council member Sasai restated his motion to establish an Ad Hoc Committee to collaborate and guide the consultant alongside Corrina Gould and Pinole artisans and appropriate staff to design a corporate seal, economic development specific logo and branding and style guide and bring it back to the City Council and to the community.

On the motion, Council member Tave asked that the public engagement component be included in the motion.

Council member Sasai again restated his motion, seconded by Council member Tave to establish an Ad Hoc Committee to collaborate with and guide the consultant alongside Corrina Gould, Pinole artisans on designing a corporate seal, economic development specific logo and branding and style guide and have a public engagement process in the process of that committee designing logo options to bring back to the City Council and to the community.

On the motion, Mayor Pro Tem Toms noted that Tripepi Smith was on board to work on the City logo/seal but she understood an economic development logo was different and she asked for clarification from staff.

City Manager Murray advised the City had a different consultant under contract to do the economic development modifications to whatever seal the City Council determined, which was part of the scope of work for the Economic Development Strategy. He recommended the City Council consider whether or not it wanted to have a City seal, a logo and separate economic development logo targeted towards marketing the City of Pinole. The current scope of work in the contract for Tripepi Smith had essentially been completed and if the City Council wanted a consultant to engage on a broader process a contract amendment would be required.

Council member Martinez-Rubin favored community involvement to some degree but the facilitation of the process had to come from other than the community to provide structure and organization. She supported inclusion of the artistry of Pinole artisans, another nonprofit group, which would not be compensated for their time. In terms of equity, the City Council had to consider how best to involve people with a specific set of skills and years of accumulated appreciation for art. She was troubled without a scope of work or a contract to augment since the Council was asking for perhaps further involvement without compensating volunteers.

Mayor Murphy stated his suggestion to involve Pinole artisans was not part of the motion on the table but was a suggestion to staff and the consultant and how that involvement happened was up to the City Council. He recognized that Pinole artisans would have to be contracted and paid for their services if they were engaged in that type of work.

Council member Martinez-Rubin suggested to the extent Pinole artisans were involved they should discuss how they would be involved. She also wanted to know the composition of the establishment of a new Ad Hoc Subcommittee which may have to be brought back for discussion.

Council member Sasai confirmed the composition of an Ad Hoc Subcommittee was not part of his motion but he was willing to learn who on the City Council was interested in serving on such a subcommittee.

Council member Tave understood there was a future agenda item to discuss how the City compensated people for volunteering, which would help encourage organizations to continue to do “free” work, but in the motion as stated, he saw the framework for the subcommittee as being two Council members to come up with a team to include the consultant, reaching out to Pinole artisans, and then consider the use of the Balancing Act Tool and other options. He suggested the subcommittee work with staff to flush out what they envisioned the process to be.

Mayor Pro Tem Toms preferred that the discussion be streamlined to only what was in the current scope of work, which was the City seal. If additional logos happened later with a different consultant on board that was fine. She suggested the Technology and Communication Subcommittee may be the appropriate body to take on this issue.

Council member Tave suggested the conversation should be centered around the City logo since it could be a galvanizing event for the community and if the discussion involved the Technology and Communication Subcommittee, it would be included with other topics.

Mayor Pro Tem Toms asked whether the motion included the City seal plus the other items.

Council member Sasai clarified that his motion included both the corporate seal and an economic development specific logo, although Mayor Pro Tem Toms commented on the possible confusion with two different consultants and suggested the motion include the City seal only.

Mayor Murphy suggested with the motion staff would manage the scope of work.

On the discussion, City Clerk Bell restated the motion to form an Ad Hoc Subcommittee of two Council members to guide City consultants on the work to update the City seal and logo, develop an economic development logo, branding and style guide, the work should include public engagement and seek input from Corrina Gould and Pinole artisans.

Council member Sasai as the maker of the motion, and Council member Tave as the second, confirmed that the City Clerk's statement captured the intent.

Further speaking to the motion, City Manager Murray explained that the way the creation of a new Ad Hoc Subcommittee was handled was that it came back as a follow-up agenda item. As such, the motion should be amended to provide direction to staff to come back with a future agenda item to actually establish the Ad Hoc Subcommittee since the establishment of the Ad Hoc Subcommittee was not an agenda item for discussion.

Further discussing the motion and responding to the Mayor regarding the creation of a new Ad Hoc Subcommittee and possibly appointing members to the subcommittee at this time, City Attorney Casher explained the City Council was discussing the City logo broadly and if the motion was to form an Ad Hoc Subcommittee it was informal. If the City Council wanted to identify two Council members who would serve on the subcommittee and then direct the subcommittee to fill in and come up with the composition for the subcommittee that would be appropriate. If there was a discussion of the qualifications and who needed to be included that was a broader and different discussion of the actual subcommittee. The two Council members who would be appointed to the subcommittee could be part of the motion.

City Clerk Bell suggested a separate motion for the nomination process.

ACTION: Motion by Council members Sasai/Tave to form an Ad Hoc Subcommittee of two Council members to guide City consultants on the work to update the City seal and logo, and develop an economic development logo, branding and style guide. The work should include public engagement seeking input from Corrina Gould and Pinole artisans.

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

Mayor Murphy recommended Council members Martinez-Rubin and Sasai serve on the Ad Hoc Subcommittee and he offered a motion seconded by the Mayor Pro Tem for their appointment.

On the motion and in response to Council member Tave, City Clerk Bell suggested the scope of work was well defined for the Ad Hoc Subcommittee.

ACTION: Motion by Mayor Murphy/Mayor Pro Tem Toms to appoint Council members Martinez-Rubin and Sasai to the Ad Hoc Subcommittee to work on the new City logo concepts.

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

Mayor Murphy thanked staff and the consultant for the presentations. He looked forward to the renewed vision of Pinole.

- B. Framework for New Outdoor Dining Regulations [**Action: Discuss and Provide Direction (Whalen)**]

ACTION: Motion by Council member Martinez-Rubin/Tave to defer Item 12B to the next City Council meeting.

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

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

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

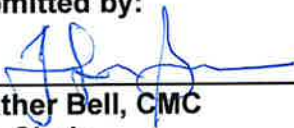
Citizens may speak under any item not listed on the Agenda. *The time limit is 3 minutes and is subject to modification by the Mayor. Individuals may not share or offer time to another speaker. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda,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

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

14. ADJOURNMENT to a Special Joint City Council and Planning Commission Meeting of March 28, 2023 in Remembrance of Amber Swartz.

At 10:52 p.m., Mayor Murphy adjourned the meeting to the Special Joint City Council and Planning Commission Meeting of March 28, 2023 in Remembrance of Amber Swartz.

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council: April 4, 2023

