

**CITY COUNCIL MEETING
MINUTES
April 18, 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 5:01 p.m. and led the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT

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

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

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

A. COUNCILMEMBERS PRESENT

Devin Murphy, Mayor
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
Eric Casher, City Attorney
Heather Bell, City Clerk
Sanjay Mishra, Public Works Director
Stacy Shell, Human Resources Director
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on Thursday, April 13, 2023 at 2:30 p.m. with all legally required written notices. No written comments had been received in advance of the meeting.

Following an inquiry, the Council reported there were no conflicts with any items on the agenda.

4. CONVENE TO A CLOSED SESSION

Citizens may address the Council regarding a Closed Session item prior to the Council adjourning into the Closed Session, by first providing a speaker card to the City Clerk.

A. CONFERENCE WITH LABOR NEGOTIATORS

Gov. Code § 54957.6

Agency designated representatives: City Manager Andrew Murray, City Attorney Eric Casher and Human Resources Director Stacy Shell

Employee Organization: All groups

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Gov. Code § 54956.9(d)(1)

Number of Potential Cases: 1

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

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

At 6:42 p.m., Mayor Murphy reconvened the meeting into open session.

City Attorney Eric Casher reported there was no reportable action for Item 4A. For Item 4B, the City Council had directed staff to take action to opt into the National Settlement and Opioid Class Action Litigation against Teva/Allergan/CVS/Walgreens and Walmart which would make the City eligible for proceeds from the settlement funds in that litigation.

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 continued to improve but he recommended the continued wearing of masks indoors. He also announced that Earth Walk would be held on Saturday, April 11 from 9:00 a.m. to 12:00 p.m. starting at Fernandez Park and he encouraged interested participants to sign up on the City website.

Irma Ruport, reported she had come to City Hall on Thursday, April 13 at 10:30 a.m. and found the front doors of City Hall locked. Although someone had later opened the door, a side door which was to be used for emergencies or other uses was open but was not intended for public use and there had been no notice on the front doors of City Hall notifying the public why the offices were closed. She also reported on March 29, 2023 the Finance Subcommittee held a meeting at the same time as the Traffic and Pedestrian Safety (TAPS) Committee.

Ms. Ruport stated the TAPS Committee had been unaware Committee members must be present in-person and the meeting had to be rescheduled. She added due to the recession years ago there had been a reduction in City staff with City Offices closed on Fridays. Since the economy had improved, she suggested there was no longer any reason for the City Offices to be closed on Fridays.

In response to the Mayor, City Manager Murray confirmed he would respond offline to the comments about the concerns with the closure of City Hall.

Mayor Murphy moved onto Item 8 at this time.

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. National Arbor Day

The City Council read into the record a proclamation recognizing National Arbor Day.

2. Arab American Heritage Month

The City Council read into the record a proclamation recognizing Arab American Heritage Month.

3. Earth Day

The City Council read into the record a proclamation recognizing Earth Day.

PUBLIC COMMENTS OPENED

Sophia Ly, Pinole Valley High School Earth Team, thanked the City Council for the recognition and support and highlighted some of the projects Earth Team had accomplished this year, which included planting a native pollen garden to support populations of butterflies, creation of planting guides for local native plant gardens and the planned distribution of native wildflowers to community members at the upcoming Earth Day Nature Walk, as well as having led a number of community cleanup events.

Ann Moriarty, Friends of Pinole Creek Watershed, reported in 2022 the Friends of Pinole Creek Watershed provided a presentation to the City Council on the Trash Assessment Project “data and asks.” She also reported the International Baccalaureate group at Pinole Valley High School was setting up a Go-Fund Me page for a Swim-a-Thon to support the work of Pinole Valley High School’s Earth Team and the Friends of Pinole Creek Watershed, with the goal a \$1,000 grant.

At this time, Ms. Moriarty highlighted the status of the “asks” made in 2022, which included a Food Ordinance Update. The City’s Climate Awareness and Action Plan included a pilot program for takeout containers and she understood an ordinance was being crafted. A request for a City-owned trash bin inventory and high-capacity bins had been delayed due to the Capital Improvement Plan (CIP) but she looked forward to that happening in the next couple of years.

High trash areas of concerns had been identified as the trail and pedestrian bridge behind the Pinole Valley Shopping Center and Pinole Valley High School and those areas had been supplied with trash bins. Another high trash area of concern was the Pinole Library and efforts were being made with the County to modify an existing dumpster so that it could be used for immediate trash and the City's maintenance crew was working with the unhoused community in the area. Another ask was an Adopt-a-Street/Spot Program, with Pinole Creek Allies having initiated the work on a program.

Additional asks included litter awareness outreach and educational programs; Pinole Creek yard signs had been designed with information on the Pinole Creek Watershed; Pinole Valley High School Principal Kibby Kleiman held Pinole Creek Awareness Month in February 2023 and a Pinole Valley High School photography exhibit was planned at City Hall; monthly trash cleanups included seven community cleanups and annual coastal cleanup hosted by the City of Pinole, with community members engaged and motivated; the Rotary Club, Earth Team and others from outside the Pinole area also helped to clean up the Pinole Creek Watershed. The data for the volume of trash removed, volunteer efforts and upcoming events over the next year starting with Earth Day on April 22 and culminating with October Pinole Dumpster Day were also highlighted. Interested persons were encouraged to join all events with more information on the Friends of Pinole Creek Watershed website.

Anthony Vossbrink, Pinole, congratulated the Earth Team for its accomplishments. He requested an update on the needed trash bins throughout the City, in and around the dog park area, the area of the barbeque grill and areas of the City that had older trash cans absent covers and no recyclable bins. He emphasized the need to replace those bins immediately for the City to be good stewards of Earth Day and the community. He also asked for consideration of replacing old plastic micro-fiber sandbags the City used frequently throughout the year which were bad pollutants for creeks, streams, rivers, the Bay, the ocean and associated wildlife.

Cordell Hindler, Richmond, congratulated the Earth Team crew for the proclamation. He encouraged all Council members to celebrate Earth Day and the community to take part in the activities planned.

PUBLIC COMMENTS CLOSED

Mayor Murphy thanked the Earth Team and Friends for the Pinole Creek Watershed for the information provided and for all their hard work to better the environment and the community.

B. Presentations: None

The City Council returned to Item 7.

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Murphy reported the City would start its new Centenarian Program and anyone in the community celebrating a birthday of 100 years or older would be honored and celebrated through the City's new Centenarian Program by emailing the City's Recreation Department at recreation@ci.pinole.ca.us or making application at the Pinole Senior Center. He thanked the Community Services Department for leading the program.

Mayor Murphy also reported the Contra Costa County Board of Education would meet on April 19, 2023 at 5:00 p.m. to discuss a resolution and next steps to create workforce housing in the County. Additional information was available at tiny.cc/edworkforcehousing, and Marin Clean Energy (MCE) would hold an in-person Board meeting on Thursday, April 20, 2023 at 7:00 p.m.

B. Mayoral & Council Appointments

1. Planning Commission [**Action: Consider Appointments (Bell)**]

City Clerk Bell provided the staff report and asked the City Council to make the following appointments to the Planning Commission: Frankie Martinez, Christy Lam-Julian and John Bender, whose terms would expire on April 30, 2027, with recruitment efforts to continue for a fourth seat which remained unfilled.

Council member Martinez-Rubin a member of the Interview Subcommittee, looked forward to the new Planning Commissioners and to joint meetings between the City Council and the Planning Commission on items of interest.

Mayor Pro Tem Toms expressed her appreciation to both current Planning Commission Chair Ann Moriarty and long-time Planning Commissioner David Kurrent, who both chose not to reapply. She welcomed the new Planning Commissioners and pointed out that Mr. Bender had served as a Planning Commissioner in the past.

As to why the Interview Subcommittee chose not to make a recommendation for the fourth seat which remained vacant and in response to Council member Tave, Mayor Pro Tem Toms, also a member of the Interview Subcommittee, explained the Subcommittee sought an applicant who had the knowledge of the basic planning process and knowledge of the role of the Planning Commission.

Council member Martinez-Rubin added there had also been interest for an applicant who had the volunteer and professional experience that would complement the composition and role a Planning Commissioner would have representing the City.

Council member Tave emphasized the need for a full complement of the Planning Commission given all of the work in the City. He expressed his appreciation to those Commissioners who had served and chosen not to reapply as well as those who had applied to serve.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, also recognized Planning Commissioners Moriarty and Kurrent, who had served but had chosen not to reapply to the Planning Commission and who had done great work and would be missed. He commented on the challenges for the Planning Commission to achieve a quorum due to the stricter attendance requirements after the pandemic.

Mr. Menis asked why the Interview Subcommittee had chosen not to recommend applicant Gabriel Sandoval to the fourth seat. Having reviewed Mr. Sandoval's application, he believed Mr. Sandoval would have been an appropriate applicant for the Planning Commission.

Irma Ruport, Pinole, agreed with the staff recommendation but suggested that Mr. Sandoval should be appointed to the fourth remaining seat on the Planning Commission. She opposed continued recruitment given Mr. Sandoval had been the first to apply and she found it unfair he was not being considered. She detailed Mr. Sandoval's background and suggested he was well qualified.

Ms. Ruport also commented on her own personal experience having been interviewed in the past for a vacancy on a City Commission/Committee, which included one of the current Interview Subcommittee members. At that time, she had been informed she was too political to be appointed. She had recently been appointed to the Community Services Commission. She asked the City Council to avoid using political reasons for not appointing applicants and suggested in the future interviews should be open to the public.

Cordell Hindler, Richmond, agreed with the prior speakers and liked the idea of filling the vacancies.

PUBLIC COMMENTS CLOSED

Mayor Pro Tem Toms reiterated her comments and noted the difference between the applicants being recommended for appointment and the one not being put forward had to do with an understanding of the planning process and the role of the Planning Commission. She offered a motion to adopt the staff recommendation.

Council member Martinez-Rubin stood behind the decision the Interview Subcommittee had been tasked to do and having read all applications and having served on the Planning Commission herself for eight years and knowing what was required, the recommendation from the Interview Subcommittee was appropriate. She suggested the candidates recommended to be appointed to the Planning Commission would bring skills that would complement the Planning Commission.

As to whether the interviews could be public and in response to the Mayor, City Clerk Bell confirmed that was possible. She explained that subcommittees had been created since they were not Brown Act bodies but if the City Council chose to move away from that practice that was an option confirmed by the City Attorney.

ACTION: Motion by Mayor Pro Tem Toms/Council member Martinez-Rubin to appoint John Bender, Christy Lam-Julian and reappoint Frankie Martinez to the Planning Commission for four years.

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

Council member Sasai offered a motion, seconded by Council member Tave to appoint Gabriel Sandoval to the Planning Commission.

On the motion, Council member Martinez-Rubin pointed out the Interview Subcommittee process was in place as defined and disregarding the process meant the City Council did not trust the recommendation of its peers. She asked if that was the case.

Council member Tave trusted the judgment of the Interview Subcommittee but people were needed to serve and he clarified with the City Clerk it had been difficult to find volunteers and there was an applicant who should be given the opportunity to serve.

While the points made by the Interview Subcommittee were valid, Council member Tave remained concerned with the continuity of government and the importance of the Planning Commission to help decisions made by the City Council. It was possible the vacancy could continue another year, which was why he had seconded the motion.

Mayor Pro Tem Toms recognized the City Council had the right to discuss and either agree or disagree with the Interview Subcommittee recommendations.

Council member Sasai explained he had made the motion since in his opinion the City had a well-qualified applicant, someone who was born and raised in Pinole, and there were difficulties attracting young talent and leadership. Based on Mr. Sandoval's background working with an elected official, he had experience with someone who represented the district in which the City of Pinole was located who was regularly exposed to policy and had a say in the process. His motion was not a lack of trust or judgment of the Interview Subcommittee but in this instance he disagreed with its assessment and the City Council had the right to vote on the recommendation.

Council member Martinez-Rubin pointed out that very well qualified on paper did not always mean well qualified in practice. Of the candidates the Interview Subcommittee had not recommended, she suggested it meant they had not demonstrated that level of qualification relative to the applicant pool received. She and the Mayor Pro Tem were aware the vacancies had been there for some time. She had based her recommendation on what was on paper, what had been presented during the interview with the candidate, as well as input from staff in terms of what was needed to bring the candidate up to speed on the Planning Commission.

ACTION: Motion by Council members Sasai/Tave to appoint Gabriel Sandoval to the Planning Commission for a term of four years.

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

C. City Council Committee Reports & Communications

Mayor Pro Tem Toms reported the next WestCAT Board meeting had been scheduled for Thursday, April 20, 2023 at 6:30 p.m. in the Pinole Council Chambers and would be the first in-person hybrid meeting since the pandemic. She also reported the Finance Subcommittee had recently met and the Municipal Code Update Subcommittee planned to meet in the next week.

Council member Sasai reported he had attended the Mayors' Conference and he briefed the Council on the presentations and discussions. He had also met with the Principal of Pinole Valley High School to discuss some organizations' achievements for the year and how the Principal had approached school safety and who desired that students be recognized by the City for their achievements on a regular basis, which was something he [Council member Sasai] hoped the City Council would consider when moving forward with proclamations and recognitions for different members of the community.

Council member Tave reported he had attended a meeting of RecycleMore and briefed the Council on the presentations and discussions. He also commented on an email that had been received on April 16, 2023 from a member of the Richmond City Council regarding the Martinez Refinery and a modeling map that had been shown in the San Francisco Chronicle as it related to flaring and metals being dispersed in the area. The map was a Bay Area Air Quality Management District (BAAQMD) model to inform a third party testing group on testing soils to determine the extent of the impact to communities in the Bay Area. The cities of Pinole, Hercules and a bit of Richmond had been included in the map but the map had not been finalized.

Council member Tave reported he had been informed that third party testing was underway around the Martinez Refinery and beyond per the map, with more information available as that occurred. He would be asking for a future agenda item for a presentation from that group on the potential impacts to the City of Pinole. Additional information was available at cchealth.org/hazmat/mrc. Additionally, the Hazardous Materials Commission would meet on April 19, 2023 via Zoom, and while this topic was not on the agenda public comment could be provided by calling Zoom ID# 922-7979-8338 or telephoning 1-646-518-9805.

Council member Martinez-Rubin reported she had attended the League of California Cities City Leader's Summit with a number of sessions relatable to the City of Pinole, which she highlighted at this time. The public may access the slide decks for the presentations which were available at the calcites.org website.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, asked whether Council member Tave was aware of the time schedule for soil sampling and whether testing would take place in the City of Pinole or in the portions of the BAAQMD map referenced.

Council member Tave understood the methodology was to start testing at ground zero then outward and there were baselines to be tested for and anything in an elevated nature would be considered an impact.

PUBLIC COMMENTS CLOSED

D. Council Requests for Future Agenda Items

ACTION: Motion by Council member Tave/Mayor Murphy for City staff to reach out to Michael Kent, with the Hazardous Materials Committee to give a presentation on the Martinez Refinery, explain the maps, have a discussion to inform the community on potential impacts and define the terms of “risk,” “proximity” and “toxicity” and the next steps in the timeline for informing the public, as a future agenda item.

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

Council member Martinez-Rubin requested that staff report back on the status of the bathrooms at Pinole Valley Park as a future agenda item and was informed by City Manager Murray that he would provide a status report as part of the City Manager’s Report.

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, requested that staff bring back the revisions to the City Council procedures and have a presentation on plans for the Port of Oakland as it was recovering from the pandemic as future agenda items.

PUBLIC COMMENTS CLOSED

E. City Manager Report / Department Staff

City Manager Murray provided the following updates: The City of Pinole would celebrate Earth Month with numerous activities planned starting with Earth Walk scheduled for Saturday, April 22, 2023 at 9:00 a.m. at Fernandez Park; a Year in Review of 2022 and a look ahead for what had been planned for this calendar year for 2023 was available on the City website and on social media; the women’s restroom at the dog park had been out of commission as a result of an accident but would be completely repaired and reopened by the end of next week; thirty-nine potholes had been filled over the course of the past month but no centerline striping, red curb painting, patch paving or crack sealing had been done due to weather and the work would be done weather permitting with a report out at the last Council meeting of every month.

City Manager Murray also reported the City Council had approved a future agenda item for a presentation from the California Department of Financial Protection and Innovation but the agency was unable to make a presentation. The City Council had also requested a presentation from Public Bank East Bay, with a presentation on public banks to be provided at a future meeting.

City Manager Murray further reported that the City Council would hold a Special City Council meeting on Tuesday, April 25 for a budget workshop and baseline CIP presentation and a Special City Council meeting on Saturday, April 29, 2023 in the Council Chambers at 9:00 a.m. to review the 2020-2025 Strategic Plan and other work plan items for the remainder of the calendar year and the next fiscal year. He also provided an overview of the tentative agenda items for the May 2, 2023 regular City Council meeting.

Council member Martinez-Rubin reported she had received emails about the men's restroom at Pinole Valley Park being locked and asked staff to check into the matter with a report back.

Council member Tave asked the status of the Parks Master Plan and whether it would be ready for the budget process, and City Manager Murray noted the City Council had recently approved the contract with the vendor. An internal kick-off meeting with the vendor had found that the vendor would need to conduct an assessment of all park facilities. Staff expected that assessment would be completed this calendar year with projects to be incorporated into not this year's but the following year's CIP.

PUBLIC COMMENTS OPENED

Anthony Vossbrink, Pinole, thanked Council member Martinez-Rubin for bringing up the subject around the status of the City's park facilities, particularly the restrooms in Fernandez Park but he was disappointed it had taken two months for the City Manager and the Public Works Department to notify the public of the estimated time for repair and completion, with nothing posted at the park itself to inform the public. He reported the doors to the men's room were broken providing no privacy or decency; the restrooms in the baseball diamond park and the water fountains along the basketball court were in disrepair; restrooms were in need of maintenance such as new paint and other improvements, and that work should be done before the Parks Master Plan was fulfilled; a light on top of the restroom roof was to turn on at 6:00 p.m. and remain on throughout the night but it was inoperable; lights in and around the women's parking lot restroom remained inoperable; street lights remained out and the barbeque lights remained out. He wanted the City Council to inform the public who would be held accountable for these maintenance items.

PUBLIC COMMENTS CLOSED

F. City Attorney Report

City Attorney Casher reported he had provided the City Council with a report on April 17, 2023 regarding the resolution of a case where Californians for Homeownership (petitioners) had filed a writ petition challenging the initial adoption of the City's Housing Element in January 2023. Since that time, the City had received comments on the Housing Element, staff had worked with the Housing Element Consultants and the City Council had recently adopted a Revised Housing Element. Staff had been working collaboratively with the petitioners since the case had been filed, and with the recent adoption of the Revised Housing Element the petitioners had dismissed the case and were not seeking any damages or attorneys' fees from the City, with petitioners pleased with the efforts the City had taken to promote homeownership.

In response to Council member Tave, City Attorney Casher explained that the challenge to the City's action had been a procedural challenge, that the City had adopted the Housing Element before it was technically allowed to do so, with no damages involved. Once the City had adopted the Revised Housing Element there were no damages that could have been received from the court.

Mayor Pro Tem Toms reported the same organization had filed lawsuits against other jurisdictions that had not yet adopted their Housing Elements.

City Attorney Casher added that almost every city in the State of California had received similar letters from Californians for Homeownership with a threat of litigation. Pinole was not unique in that regard other than the fact the case had been dismissed.

PUBLIC COMMENTS OPENED

Deputy City Clerk Stone 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 28, 2023 Joint City Council and Planning Commission Meeting and the Minutes of the April 4, 2023 meeting.
- B. Receive the April 1, 2023 – April 14, 2023 – List of Warrants in the Amount of \$1,751,614.89 and the April 14, 2023 Payroll in the Amount of \$473,889.10.
- C. Approval of House Moving Permit **[Action: Adopt Resolution per Staff Recommendation (Mishra)]**
- D. Resolution of Local Support for OBAG 3 Grant Program **[Action: Adopt Resolution per Staff Recommendation (Kaur)]**
- E. Resolution Authorizing the City Manager to Execute the Fourth Amendment to the Agreement with Client First Technology Consulting to Provide Professional Support Services During the Upgrade and Migration of the Permit Tracking and Online Application System and Appropriate Funding **[Action: Adopt Resolution per Staff Recommendation (Whalen)]**
- F. Resolution of Support for Contra Costa County and the Inflation Reduction Act Conference **[Action: Adopt Resolution per Staff Recommendation (Rogers)]**
- G. Adopt a Resolution Authorizing the City Manager to Enter into an Agreement with CDW-G to Purchase Mobile Digital Computers (MDC) and Related Equipment to Replace Current MDCS at a Total Cost of \$135,363 **[Action: Adopt Resolution per Staff Recommendation (Gang)]**
- H. Approval of Financial and Investment Policies for Fiscal Year (FY) 2023/24 **[Action: Adopt Resolution per Staff Recommendation (Guillory)]**

Council member Tave asked that Item 9C be removed from the Consent Calendar for discussion.

PUBLIC COMMENTS OPENED

Irma Ruport, Pinole, spoke to Item 9C and asked whether the neighbors where the home would be relocated on Brandt Court had been notified or surveyed regarding the house moving permit, whether the associated reports/attachments had been brought to date, and whether the City was liable in the event of any damage from moving the home. As to Item 9H, she commented the Finance Subcommittee had met on March 29, she had participated in the meeting and Pages 155 to 159 of the agenda packet for the item involved grant policies and procedures for the City. Having worked for the Department of Justice Grant Funding Programs, she suggested the City should be more proactive in obtaining grants and there should be grant training for City staff. The City Manager had emailed her to inform her that a Request for Proposal (RFP) for a grant writer would be put out, and she asked that the grant writer have experience and be able to train other City staff.

Rafael Menis, Pinole, referenced Item 9E, which was the fourth amendment to the agreement with Client First Technology Consulting, as shown. He asked whether this would be the final amendment given there had been several prior amendments and he understood the fourth amendment to the agreement was intended to address unanticipated problems due to the extensive nature of the project configuration.

Tom White, spoke to Item 9C, and explained that he had received a letter of support and he hoped the City Council had received some of the other reports and letters from the Pinole and Hercules Historical Societies and the family of the resident in the home (founder of the City of Hercules). He commented on his involvement with the Berkeley Architectural Heritage Association in restoring and moving other homes in the Berkeley area that had been successfully restored. He had received several preservation awards for the work done for homes that were of historical value, including the subject residence which had been listed on the National Register of Historic Places, and which had been part of the historic nature of the City of Hercules and was closely aligned with the City of Pinole. He suggested the home would fit well within the historic nature of the City of Pinole on Brandt Court. He had worked with the Planning and Public Works Departments to provide all of the necessary applications and permits and the house moving company had a great deal of experience moving buildings in the City of Pinole and in the Bay Area. He looked forward to residing in the home after its relocation. The home would be all-electric with on-site photovoltaics, battery backup, Electronic Vehicle (EV) charging, native plants and with a low carbon footprint.

Jeff Rubin, Pinole, speaking to Item 9C, suggested the City had an opportunity to save a historic building that was part of the area's history and was important to many people. The building had been built in 1904, was on the National Registry of Historic Places, contributed to the architectural heritage of the City of Hercules, was similar to many homes from the same era in the City of Pinole, and would be a great fit for the City with Hercules and Pinole sharing a symbiotic history. He noted a significant part of the City of Pinole had been employed at the Hercules Powder Company, the communities shared schools and resources and were linked by family members who lived in both communities. The cities have been intertwined historically, economically, and architecturally and continue to be so to this day.

Susan Keeffe, Hercules, a member of the Hercules Historical Society, also speaking to Item 9C, thanked the Pinole City Council for finding a home for the Queen Anne residence. She too spoke to the histories of Hercules and Pinole and stated the home would be restored to its former greatness.

Lisa Jackson, 350 Contra Costa, spoke to Item 9F, and expressed her appreciation for the City Council's support of a resolution in support of Contra Costa County and the Inflation Reduction Act (IRA) Conference, with 350 Contra Costa one of the hosts along with the Greenbelt Alliance and the three community colleges of Contra Costa County. She looked forward to the City of Pinole accepting its role as a community partner and appreciated the fact the City Council was forward thinking about climate and environmental justice. The conference would be a great opportunity to collaborate and discuss funding through the IRA, the State and the County and communicate with Contra Costa County and other agencies. The conference would focus on all-electric energy transformation, environmental justice regarding the green economy and workforce advancement. Everyone was invited to attend.

Cordell Hindler, Richmond, also referenced Item 9F and encouraged the City Council to attend the conference emphasizing the importance for the City of Pinole to be represented. He otherwise suggested the City Council approve the Consent Calendar, as is.

PUBLIC COMMENTS CLOSED

Speaking to Item 9C, Council member Tave asked why the relocation of the home had to come before the City Council for approval, to which City Attorney Casher explained that pursuant to the Pinole Municipal Code (PMC) and as outlined in the April 18, 2023 staff report, there were conditions that must be met to move a residence. Pursuant to Chapter 12.28 of the PMC, Moving of Buildings, Section 12.28.010, City Council approval at a regular meeting was required which was why this was before the City Council and why it had not been approved administratively.

Council member Sasai clarified with the Public Works Director that any damage to the City's roadways as a result of the movement of the residence would be borne by the applicant. He was otherwise pleased to see the Queen Anne residence would be restored in the City of Pinole and would be all-electric.

Public Works Director Sanjay Mishra explained this application had occurred before his tenure with the City of Pinole but he understood staff had not notified the neighbors on Brandt Court of the house movement. There remained building and planning processes to be completed and staff may approach residents if they had any comments, if the City Council so directed. Outreach would be in the form of a flyer asking whether anyone had any comments to City staff. The application had previously been considered and approved by the Planning Commission and the remaining building and planning processes did not involve public engagement; however, if the City Council directed that neighbors be notified, it would be done.

Mayor Murphy offered a motion, seconded by Council member Tave to amend Item 9C, with staff directed to send a letter to the neighbors on Brandt Court to update them on the approval of the house moving permit.

On the motion, Council member Tave expressed concern with the fact neighbors had not yet been notified of the house movement and City Manager Murray reiterated the project had already gone through all of the entitlement processes and public notification regarding the planning approvals, with the approval of the final building permit at the staff level. He recalled there had been a lot of neighborhood awareness and engagement on this topic although not about the home itself, but on the shape of the street, and as part of that the City Council had previously appropriated CIP funds for the renovation of Brandt Court. While the requirement of City Council approval of a permit to move the home may be an anomaly of the PMC, updating the PMC could be something the City Council may consider in the future. It would be appropriate to notify residents of the date of the house being moved and staff could do that at the direction of the City Council.

Mayor Pro Tem Toms suggested rather than amend Item 9C, the City Council should vote on the entire Consent Calendar with a modification to Item 9C, as suggested by the Mayor. She questioned amending something (Item 9C) that was not yet being approved.

On the discussion, City Attorney Casher suggested action could be taken either way.

ACTION: Motion by Mayor Murphy/Council member Tave to amend Item 9C, upon approval direct staff to draft and send a letter informing the residents on Brandt Court about the moving permit date and the details associated with the house moving permit.

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 approve Consent Calendar Items A through H.

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. Traffic and Pedestrian Safety (TAPS) Committee Report [Discuss and Provide Direction (Mishra)]**

Public Works Director Mishra presented the staff report which included an overview of the Traffic and Pedestrian Safety (TAPS) Committee Report.

Mayor Pro Tem Toms clarified with the Public Works Director the costs for the TAPS Committee recommendation to fund advertisement of TAPS Committee activities to residents would be \$7,000, and multiple approaches could be considered with the cost for about 5,000 residents.

Council member Sasai again clarified the cost for the TAPS Committee recommendation with Public Works Director Mishra who again clarified that the costs for flyers for advertising TAPS Committee activities would be \$7,000 and “other means,” which meant the use of social media and the use of recreational flyers. Advertisements on social media would be through Facebook and Nextdoor and not through paid advertisements.

Council member Martinez-Rubin clarified with Public Works Director Mishra the interest in promoting TAPS Committee activities was due to the fact the TAPS Committee was of the belief that many residents were not aware of TAPS Committee activities. The intent was to broadcast TAPS Committee activities to the entire City.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, suggested the TAPS Committee request for funding be tied into the City's broader Communication and Engagement Plan, with the City working on more engagement with the community as a whole with signage and banners. He suggested if the City Council approved the TAPS Committee request, it should tie into the broader Communication and Engagement Plan for all City activities. He commented on his efforts to communicate with the community by notifying those on his email list about community activities and he understood the Mayor Pro Tem did the same with her own email list, with those lists fundamentally private entities. If the City distributed flyers, it could draw the attention from those not on a private email list or from a particular Council member and it would have the formal imprinter of the City behind it. He urged the City Council to support the TAPS Committee recommendations but tied into the City's broader Communication and Engagement Plan.

Irma Ruport, Pinole, liked the TAPS Committee recommendations, liked the reports from the Public Works Director and the projects in which the TAPS Committee was involved, which were very important. She referenced a flyer from Contra Costa Marketplace, which she understood reached 50,000 people and she strongly recommended consideration of advertising in this publication at least a page a month or every quarter. She also commented that the recreation newsletter was awesome, was distributed every two to three months, and detailed all activities. She questioned why the City could not do the same. She urged the City Council to get started on a newsletter regardless of the cost and again commended the work of the Public Works Director to get more people engaged and involved. As an aside, she reported there had been comments on the Nextdoor platform asking what was happening in the City.

Anthony Vossbrink, Pinole, agreed the TAPS Committee recommendations were a good idea, but before the City Council expended any funds on flyers, he suggested the history of the TAPS Committee should be reviewed. A large majority of TAPS Committee meetings had been canceled and/or postponed over the last several years, a continuing problem into 2022/23, including the most recent meeting which had been canceled hours before the meeting absent any explanation and notice to the public or posting on Pinole Community Television (PCTV).

Mr. Vossbrink also understood the Police Chief was to provide a report to the TAPS Committee on traffic issues in the City but that had not been done. He suggested the City of San Ramon be used as an example of an appropriate police report.

PUBLIC COMMENTS CLOSED

Council member Martinez-Rubin acknowledged the public comments regarding the history of the TAPS Committee which could not be ignored in that in the past many TAPS Committee meetings had been canceled but there was now more interest than in the past to promote the activities of the Committee. She suggested the City Council should follow through and blend in with the Communication and Engagement Plan as well as promote all City Commissions/Committees. She was curious whether staff could follow through operating on the recommendations from the Communication and Engagement Plan.

City Manager Murray acknowledged legislative bodies were now required to meet in-person which had been a challenge. The latest TAPS Committee did not have a quorum to meet in-person which had resulted in the cancellation of that meeting. The Communication and Engagement Plan did not provide any specific direction for how to promote the activities of an individual Commission and the City Manager acknowledged the long history of the TAPS Committee meetings having been canceled, although that had somewhat improved over the course of the last year with Committee members having been appointed and regular meetings scheduled; however, there had not always been business to discuss and it was at the discretion of the Committee whether or not to meet. He suggested there was a lack of familiarity with the community at-large regarding the purpose of the TAPS Committee, which had been re-envisioned to be a forum for community members to share concerns related to traffic and pedestrian safety issues as the first public forum beyond staff. The community may not have a high degree of awareness of that as with other City Commissions/Committees.

City Manager Murray liked the idea coming out of the pandemic and returning to in-person meetings for a single mailing on how to work through the City's Commission/Committees, and allowing the public to become aware of their roles to serve on those bodies. He added that Council-appointed Commissioners/Committee members were free to request a report out to the City Council, with the Public Works Director the lead on that with the TAPS Committee. He stated there would be a future City Council agenda item to review all City Commissions/Committees.

Council member Tave emphasized there were many agenda items related to the City's roads. He supported the recommended mailer but would like to start the conversation on a broader scale. The TAPS Committee was fully qualified to have those conversations and have that data. If a mailer was distributed to the public, he asked that it be very succinct and the messaging be consistent with Americans with Disabilities Act (ADA) standards, to ensure the mailer was readable. He emphasized the importance of community input.

Mayor Pro Tem Toms suggested regular channels should be used for communication, such as looking at advertising in some of the circulations and whether that could be done in coordination with the recreation newsletter. She offered a motion, seconded by Council member Tave to approve the request from the TAPS Committee for funding to repair and repave the creek side asphalt trail from Sarah Court to the pedestrian bridge over Pinole Creek, and fund advertisement of TAPS committee activities to residents.

On the motion, Council member Martinez-Rubin spoke to the recommendation for funding to repair and repave the creek side asphalt trail from Sarah Court to the pedestrian bridge over Pinole Creek, and while that was the most obvious for the TAPS Committee to advocate, there was also a section between San Pablo Avenue and Pinole Valley Road that had pavement that could be repaired. She asked that that section be considered as well, and identify who was responsible for that section and blend that request in with the CIP.

ACTION: Motion by Mayor Pro Tem Toms/Council member Tave for the City Council to approve the request from the TAPS Committee for funding to repair and repave the creek side asphalt trail from Sarah Court to the pedestrian bridge over Pinole Creek and fund advertisement of TAPS committee activities to residents.

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

Council member Martinez-Rubin offered a motion that the funding for the repair and re-pavement of the creek side asphalt trail from Sarah Court to the pedestrian bridge over Pinole Creek include funding for the Pinole Creek trail section between San Pablo Avenue and Pinole Valley Road and that it be made part of the 2023/24 CIP.

On the motion, City Manager Murray reiterated the City Council would be holding a Special Meeting on April 25 to review the baseline budget and CIP and that meeting was intended to have the City Council surface new ideas it would potentially like to recommend in the next budget so staff could go back and vet them. Council member Martinez-Rubin's recommendation could be considered at that time, which would allow staff the opportunity to vet the request and return with a recommendation in the CIP.

Mayor Murphy asked staff to note the recommendation for that future discussion.

B. City Road Condition and Pavement Management Program Update [Action: Discuss and Provide Direction (Mishra)]

Public Works Director Mishra provided a PowerPoint presentation on the City Road Condition and Pavement Management Program Update, which included an overview of the Pavement Management and Technical Assistance Program (P-TAP) an overall regional program in the Bay Area to update and assess overall pavement conditions; Pavement Condition Index (PCI), a numerical rating for street conditions with examples of PCI conditions in the City of Pinole; StreetSaver – Dashboard 2023; City Network Summary of the arterial, collector and residential/local streets in Pinole and their current pavement condition categories; how the City's PCI compared to Bay Area jurisdictions (2019); funding and treatment options; and the StreetSaver – Metropolitan Transportation Commission (MTC) funding scenarios and the strategies moving forward including the need for public engagement to obtain input, run various funding need scenarios and use those need scenarios to develop a Long-term Financial Plan (LTFP).

Mayor Pro Tem Toms again clarified with Public Works Director Mishra the ongoing source of funds and his understanding that Measure J return to source of funds could be used for roadway repair. As the City Council discussed the CIP, she asked that staff provide more clarification on the use of Measure J funds for road repair.

Mayor Pro Tem Toms also clarified the current pavement condition categories and commented that if the City were to consider a capital tax increment bond issue to upgrade roads, the funds could not be used for maintenance. For the next City Council meeting at which time the CIP would be discussed, she wanted more detail on the current pavement condition categories as shown in the PowerPoint presentation, whether bonds could be used for those repairs, and what categories could be considered for a bond issuance with the knowledge the public would have to be engaged to determine whether or not there was interest in a bond issue to improve the City's road conditions.

Council member Sasai spoke to the funding and treatments and asked for a breakdown of the grants the City had applied for and had received funding and what grants the City had applied for and had not received funding.

Council member Sasai also asked whether funding from the Bipartisan Infrastructure Law (BIL) would be applicable to road treatments and repairs and whether funding from the Federal Emergency Management Agency (FEMA) could be considered with respect to the County being placed on the Disaster Proclamation List regarding recent winter storms.

Public Works Director Mishra advised the City had applied for OBAG 3 for this year and had received \$1.02 million for one project and had successfully applied for another grant, receiving \$239,000. Applications had also been made for earmark funding, but he was unaware of the status. Staff had also applied for the Highway Bridge Program (HBP) and had received funds for the design project for the San Pablo Avenue Bridge. In previous years, the San Pablo Road rehab work had been done with OBAG 2 and some STEM funds. The West Contra Costa Transportation Advisory Committee (WCCTAC) had also provided some grants. Total CIP projects had received about 25 percent of their funding from grants. As to the BIL funding, it could be another source. The City would receive some funding from FEMA but it would be linked specifically to a disaster and would not really count much towards the road rehab scenarios.

City Manager Murray explained that the grant funding for road projects was well defined with traditional and universally known mechanisms for street funding. Over time there had been less interest among funding agencies to fund road reconstruction but instead consider Complete Streets and multimodal projects for a number of reasons, with new and different funding options related to infrastructure and inflation reduction targeted more towards resilience, environmental initiatives and other things.

Council member Sasai asked whether the City had exhausted its grant opportunities and City Manager Murray explained there were annual grant opportunities through MTC, the Contra Costa Transportation Authority (CCTA) and Caltrans along with grant opportunities in other service areas. He noted that grants had migrated more towards pilot projects and experimental and demonstration projects than routine road re-pavement. There were other grant opportunities, which was why a grant consultant would be sought, and the City was well connected and tapped into those grant opportunities for roadways.

Council member Martinez-Rubin appreciated not omitting the consideration of roads that made up the 16.9 percent (Condition V – Failed to Very Poor) category, and including roads with a Condition V had shown her the Public Works Director had that broader perspective of attending to all City roads to the extent possible. It appeared given the current state of affairs of granting agencies, federal and regional, that the City would have to rely on residents as a future source of funding. As part of any financial plan, she asked that any possible revenue source be included so that it did not become a surprise to residents about what the City had done given the current situation of available funding for road pavement programs.

Council member Martinez-Rubin also spoke to the condition of City streets as a result of the large trash haulers that exacerbated current conditions, with the weight of those vehicles breaking the pavement. She asked staff to research whether it was possible to have some part of an agreement with the trash hauler to offset the costs for such damage to City streets.

Public Works Director Mishra understood such a request could be considered as part of the renegotiation of the City's Franchise Agreement.

City Manager Murray again detailed the next steps. The PCI was a question for the City Council and the community, with the knowledge it would take resources to improve the City's street conditions. As staff had suggested, a community engagement process over the next few months could dig into the question of the street conditions and allow data to be brought back to the City Council on what the community desired as the right street condition and what that could cost, and identify resources, which could be folded into the Draft LTFP to be discussed during the summer.

Council member Tave commented that his street had gone from a PCI of 53 to a PCI of 44 between 2018 and the present. He asked what was being done internally now for the City's roads.

Public Works Director Mishra explained that pothole filling and repairs were helpful, but the City did not have the ability to completely pave a street given the lack of sufficient staff and equipment.

City Manager Murray walked through the StreetSaver scenarios and the required financial resources to improve the PCI. If the City really wanted to improve its roads, he stated that significant investment would be needed beyond grant funding.

Council member Tave asked to what degree the City had experienced escalating costs, to which City Manager Murray explained that the StreetSaver had tools to estimate escalation but even if other communities had roads in need of rehabilitation it did not mean there was competition for materials because it was unknown whether those cities had the resources to pay for those improvements. He acknowledged the costs for construction had increased and there would be more bang for the buck with more investment at the front end. Making significant investment over the course of a couple of years rather than spreading the work out over ten years and the timing of that work would become a consideration to get a better price.

Council member Tave commented on the studies done for the City's roads, including Complete Streets and wayfinding, with the Road Condition and Pavement Management Program just for paving and not for other items. He suggested this issue would be with the City forever and he was worried about getting the money all at once from a bond, as an example.

Council member Tave would like to see a funding vehicle that was sustainable over time, such as Measure S, which had served the City well. He wanted to ensure everything was well thought out.

PUBLIC COMMENTS OPENED

Irma Ruport, Pinole, thanked the Public Works Director for the reports and charts. Having learned that PCI was a numerical rating for road conditions, she understood the City's streets had not been visually inspected, with a metric having selected the streets to be paved. She pointed out that MTC liked a "fix it first" mentality that meant the roads that were in good shape were fixed first, which was why many roads remained in need of repair, an attitude she did not support. She also pointed out that streets in her neighborhood, including Rising Glen Road and Glen Court, which were cul-de-sacs with less than 20 homes and which had been paved over and over had not been included in the chart. She found the report to be excellent, the metrics okay, but the streets must be inspected visually. For the streets in poor shape, she suggested a fabulous patch-up job should be done since they would only become worse and worse. She also suggested that Marlesta Road was the worst and while many potholes had been filled that had to be done repeatedly.

Rafael Menis, Pinole, understood the P-TAP Report had been created in 2022 and he asked whether the City Council and staff had access to the report prior to the meeting since there appeared to be a mismatch between the staff report, the PowerPoint presentation and the P-TAP Report regarding the current PCI index for the City of Pinole, which should be clarified. Page 229 of 395 of the agenda packet of the P-TAP Report, Table ES-1 – Summary of different funding levels (Scenarios), had shown the same backlog for five years as if the City had done nothing as shown in this table, and the PCI change would have been markedly worse if the City had done nothing, and the sheer amount of cost backlog was pretty substantial at the funding level they were at. The only way to get the backlog down at a minimal level would be to go to the \$55 million over the five-year plan, which would be a significant cost. He found the maps listed in the various scenario outcomes to be beneficial to show where the City would be in the future.

Mr. Menis referenced Figure 17, 5-Year Scenario PCI Summary, as shown on Page 258 of 395 that was detailed and noted that due to the rain and other various climate effects, the City may have already hit the unfunded level PCI setting aside the backlog entirely. Figure 18, 5-Year Scenario Backlog Summary 2022/2023, was the decision year and the breakpoint in backlog, as shown. While the data in the Report was great much of it was from April 2022, and much may not apply given the significant rainfall and road degradation as a result.

PUBLIC COMMENTS CLOSED

Mayor Murphy suggested given the lateness of the hour that the City Council continue this item to the City Council meeting of May 2, 2023, which would allow another opportunity to discuss this item in combination with the CIP.

Council member Tave wanted to continue the discussion and agreed that the item should be continued. He offered a motion to continue the item to the next meeting of the City Council scheduled for April 25 to allow a more robust discussion including what funding vehicles may be associated.

City Manager Murray clarified the Special City Council meeting for April 25 was intended as a discussion of the baseline budget and CIP, and while this topic could be discussed, the consultants the City had hired to work on the LTFP would be conducting an analysis on the types of revenue that would be good fits for this program and other funding needs. Staff would not be ready to provide an analysis and recommendation for funding options in time for the May 2, 2023 City Council meeting.

Mayor Murphy again referenced the strategy moving forward for public engagement and obtaining input, running various funding needs scenarios to develop the LTFP, and he suggested possibly on May 2 the City Council may have some ideas that could be provided as direction to staff.

Council member Tave offered a motion, seconded by Mayor Murphy to continue the City Road Condition and Pavement Management Program Update to the next Regular City Council meeting.

On the motion, Council member Martinez-Rubin reiterated the staff recommendation but based on the motion she questioned whether the discussion would be more of the same since community input was needed along with recommendations from outside expertise. She understood there would not be any new information that would be presented at the May 2 City Council meeting.

City Manager Murray explained that staff would not generate any new information for the May 2 meeting but the City Council had additional deliberation it wanted to have on the data already provided to be able to provide direction, and staff had no problem with a continuance of the item.

ACTION: Motion by Council member Tave/Mayor Murphy to continue the City Road Condition and Pavement Management Program Update to the next Regular City Council meeting.

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

C. City Council Salaries and Benefits [Action: Discuss and Provide Direction (Bell)]

City Clerk Bell presented the staff report and asked the City Council to provide direction to staff whether or not to increase the City Council member salary through a PMC update and adopt the Elected Officials Benefits Plan.

Council member Sasai commented that as the staff report had stated, City Council salaries were set by State statute and based on population. For cities with a population of 35,000 or less, the City Council salary was initially set at \$300 per month, and may be increased annually as set forth in the statute. He asked if that was because the City of Pinole was a General Law as opposed to a Charter City.

City Attorney Casher advised that was state law. He had not researched whether that restriction would be different if Pinole was a Charter City.

Council member Martinez-Rubin asked for clarification of the statement in the staff report that rather than provide a cash payment to elected officials for medical in-lieu, the City would deposit the same medical in-lieu amount into a Deferred Compensation Plan. She asked whether that benefit currently existed.

Human Resources Director Stacy Shell explained that currently the City Council was eligible to receive a cash in-lieu to enroll into a medical plan and that cash needed to be directed into a Deferred Compensation Plan versus provided to the City Council as compensation. Currently, the City had a 457 Deferred Compensation Plan available to City staff, that Plan would be made available to City Council members and the funds currently provided to City Council members as in-lieu of medical enrollment would then be deferred into the Compensation Plan.

Council member Tave asked whether the same rules applied to all Brown Act bodies in the City. There had been past discussions about providing stipends to City Commissions/Committees, and City Council Bell advised this statute was specific to the City Council. There were plans to bring forward an item that would address the composition and creation documents for all City Commissions/Committees.

Mayor Murphy advised that discussion would come before the City Council at a meeting in June.

Mayor Pro Tem Toms asked whether the City Council could review this item on a regular basis. When considered in 2016/17, it had been years in the making and now in 2023 was at an odd cycle. Possibly, it could be reviewed at the end of the year, during the budget or when employee compensation was discussed. She sought some regular period of review to ensure it was automatically done.

City Clerk Bell reported she had reviewed the practices of other cities, which were all across the board, but some revisited this topic every two years in-line with the election of new Council members, and the City Council could provide that additional direction.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, read into the record Government Code Section 3516(a)(2)(A), and asked if that referred to a Charter City or meant as a general rule applied to all General Law cities. As to the defined benefits, he was under the impression if an elected desired to take up the City's offer of health insurance the elected would have to pay for the entire amount but the staff report indicated some of the costs were offset separately from Council member salaries, and he asked for clarification. Also, the fiscal impact would have a higher increase in salary per month above and beyond the raw salary increase as defined in the staff report, implying partial coverage of the health care costs.

City Clerk Bell clarified the staff report had intended to show the increase per month for all five Council members, with an increase of \$984.55 per month for all five Council members.

Irma Ruport, Pinole, supported the staff recommendation but suggested the salary increases be consistent with the Consumer Price Index (CPI) and be revisited every two years at election time.

PUBLIC COMMENTS CLOSED

Council member Tave clarified with staff that if the City Council voted in the affirmative with the staff recommendation, the increase would not go into effect until a Council member was re-elected.

City Attorney Casher clarified that if the City Council approved the increase it would go into effect for all Council members at the end of the next election cycle. He also clarified that Government Code Section 3516 set a statutory maximum the City Council may give itself in salary but there could be a ballot measure to raise Council members' salaries in an amount identified by voters.

Council member Martinez-Rubin understood that up until now Council members' salaries had not matched any increase in annual CPI, and City Clerk Bell confirmed there had been no adjustments made over the years. The statute set the increase at five percent.

Council member Sasai commented he had spoken with other Council members in neighboring cities and other agencies, and a member of WCCTAC had raised a discussion of stipends for Committee members in terms of an equity issue. While not in context with the current discussion, he commented that a \$7,000 stipend per year, as an example, discouraged those who were Low Income who were either single mothers or fathers from considering being an elected official.

Council member Sasai agreed with the Mayor Pro Tem and City Clerk that the issue should be revisited on a regular basis, every two years at an election cycle, which should be part of any motion. He suggested the most equitable option would be to base Council member salaries on household income but he recognized that was an entirely separate conversation and had not been attempted in local government. He supported the staff recommendation.

In response to the Mayor, City Manager Murray explained that the Management Compensation Plan was relatively new, had been revisited frequently after its adoption for fine tuning, but since its establishment the City Council had acted on it as part of the budget adoption process by granting a Cost-Of-Living-Adjustment (COLA) for the employees who were employed under it as part of the budget process. Other aspects of the plan would be reviewed on an as-needed basis.

Council member Tave offered a motion, seconded by Council member Sasai to direct staff to increase the City Council member salary through a Pinole Municipal Code Update at the rate of \$759.41.

On the motion, Council member Martinez-Rubin asked that the motion be modified to make it clear the salary increase would be \$759.41 "per month."

ACTION: Motion by Council members Tave/Sasai to direct staff to increase the City Council member salary through a Pinole Municipal Code Update at the rate of \$759.41 per month.

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

ACTION: Motion by Mayor Murphy/Mayor Pro Tem Toms to adopt the Elected Officials Benefits Plan.

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

City Clerk Bell asked whether the City Council desired a motion to direct staff to reconsider the City Council salaries every two years.

Mayor Murphy offered a motion to direct staff to reconsider the Elected Officials Benefits Plan and City Council salaries determination every two years.

On the motion, Mayor Pro Tem Toms asked whether the PMC update needed to be done before the new Council took effect to avoid a two-year wait and urged that be kept in mind, and City Clerk Bell confirmed staff would take that into consideration.

ACTION: Motion by Mayor Murphy/Mayor Pro Tem Toms to direct staff to reconsider the Elected Officials Benefits Plan and City Council salaries determination every two years.

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.*

Cordell Hindler, Richmond, opposed the City Council cutting off speakers at three minutes and suggested the Council should listen to constituents and everyone should be treated equally. Speaking to the discussion of Pride celebrations during the April 4, 2023 City Council meeting, he had comments but had not been able to express them at that time. He expressed concern with the length of Council meetings and the ability of the public to comment.


Anthony Vossbrink, Pinole, concurred and suggested speakers should not be limited in their time to speak, particularly those providing comments via Zoom. He pointed out that members of the public who had spoken in-person had been allowed additional time to finish their thoughts and it was discriminatory that others had not been allowed to do the same.

With respect to Earth Day, Mr. Vossbrink suggested the City Council review the cost of using burlap sack bags rather than materials that harmed the environment. He wanted Pinole to be a leader in that effort. He added there were issues with the timing of the door locks for the public restrooms near the Wastewater Treatment Plant near the Bay Trail.

- 14. ADJOURNMENT** to the Special City Council Meeting of April 25, 2023, in Remembrance of Amber Swartz.

At 10:35 p.m., Mayor Murphy adjourned the meeting to the Special City Council Meeting of April 25, 2023 in Remembrance of Amber Swartz.

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council: May 2, 2023

