

**CITY COUNCIL MEETING
MINUTES
June 20, 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*
*Via Zoom

B. STAFF PRESENT

Andrew Murray, City Manager
Eric Casher, City Attorney
Heather Bell, City Clerk
Stacy Shell, Human Resources Director
Lilly Whalen, Community Development Director
Fiona Epps, Assistant to the City Manager
Markisha Guillory, Finance Director
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on Thursday, June 15, 2023 at 3:00 p.m. with all legally required written notices. Public comments had been received in advance of the meeting, distributed to staff, the City Council, posted on the City website and made available to the public in the Council Chambers.

City Clerk Bell also reported there had been a request from Council member Tave to attend the meeting remotely as part of a qualifying just cause exception. In accordance with the Brown Act and Assembly Bill (AB) 2449, Council member Tave was asked to briefly describe the reason for his request to attend the meeting remotely and identify whether there were people in the room with him over 18 years of age. Following that the City Council would vote whether or not to approve the remote attendance.

Council member Tave reported he was attending remotely due to child care issues and there was no one over 18 years of age present in the room.

ACTION: Motion by Mayor Pro Tem Toms/Council member Sasai to approve the remote attendance of Council member Tave.

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

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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Gov. Code § 54957
Title: City Manager

B. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Gov. Code § 54957.6
Agency designated representatives: City Manager Andrew Murray, City Attorney Eric Casher, Human Resources Director Stacy Shell, Gregory Ramirez, IEDA
Employee Organizations: Pinole Police Employees Association (PPEA), AFSCME, Local 1, Local 512

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, spoke to Item 4A and suggested the City Manager had done an exceptional job, provided updates for upcoming Council agendas and was respected by Department Directors. For Item 4B, he suggested the Pinole Police Department had done a good job providing public safety. As the City Council entered into Closed Session, he asked Council members to consider the hard work of the City Manager and the Police Department.

PUBLIC COMMENTS CLOSED

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

At 6:43 p.m., Mayor Murphy reconvened the meeting into open session and announced the City Council would adjourn to the Closed Session after the completion of the meeting agenda.

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, thanked Council member Sasai for inviting him to the flag raising celebration in recognition of Filipino Independence Day. He reminded everyone of the Torch Run on June 21, 2022 from 8:45 to 9:45 a.m. starting at the intersection of Tennent and San Pablo Avenues, with the Pinole Car Show to be held on June 25, 2023 from 7:00 a.m. to 3:00 p.m., and a Pancake Breakfast at the Senior Center from 7:00 a.m. to 10:00 a.m. on the same date. He also asked the City Council to consider either for this year or future years the raising of the Progress Pride Flag to honor Pride Month given the importance of the flag's representation of all LGBTQ+ communities.

Mayor Murphy moved onto Item 8. Recognitions / Presentations / Community Events at this time, with some of the items taken out of order from how they had been shown on the meeting agenda.

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Contra Costa County Poetry Out Loud Champion – Harper Iles (PVHS Freshman)

The City Council read into the record a proclamation recognizing Harper Iles, Pinole Valley High School (PVHS) Freshman as the Contra Costa County Poetry Out Loud Competition Champion.

2. California High School Speech Association Student of the Year – Sheila McKinney (PVHS Senior)

The City Council read into the record a proclamation recognizing Sheila McKinney, PVHS California High School Speech Association Student of the Year.

3. Pinole Valley High School Boys Soccer Team

The City Council read into the record a proclamation recognizing the PVHS Boys Soccer Team for its winning season.

4. Pinole Valley High School Boys Tennis Team

The City Council read into the record a proclamation recognizing the PVHS Boys Tennis Team for its winning season.

5. Pinole Valley High School Girls Softball Team

The City Council read into the record a proclamation recognizing the PVHS Girls Softball Team for its winning season.

6. State Best Girls Athletic Director – Tiffany Valdehueza

The City Council read into the record a proclamation recognizing Tiffany Valdehueza as State Best Girls Athletic Director.

Mayor Murphy added that at a future meeting, the PVHS Baseball Team would also be recognized for winning the Tri-County Athletic League (TCAL) Title. He commended the PVHS Athletics Program and all of the student athletes for their achievements.

7. Independence Day

The City Council read into the record a proclamation recognizing July 4, 2023 as Independence Day.

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

B. Presentations: None

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Murphy reported a letter had been sent to state legislators regarding saving public transit and while the state budget remained to be adopted he understood there would be some protections for public transit agencies. More work was needed to advocate to state legislators and the Governor and he encouraged the public to express its support for funding for public transit agencies.

Mayor Murphy took the opportunity to express his sincere appreciation to City staff for the recent Pride, Juneteenth and recognition of the City's 120th Anniversary events. He appreciated the participation from the community and the power of diversity. He was moved, honored and grateful to serve as the Mayor of the City of Pinole and again thanked all City staff for putting on such a wonderful event, which had been well received by the community and had been featured in numerous local media outlets.

Mayor Murphy also thanked Council member Sasai for his leadership in hosting the flag raising ceremony in recognition of Filipino Independence Day. He had been honored to attend all of the community events and the recognition of the diversity in the City of Pinole.

Mayor Murphy further thanked the Contra Costa County Fire Protection District (CCCYPD) for hosting the Wildfire Prevention Town Hall, which discussion had been recorded and would be available on Pinole Community Television (PCTV).

B. Mayoral & Council Appointments: None

C. City Council Committee Reports & Communications

Mayor Pro Tem Toms reported on her attendance at the Association of Bay Area Governments (ABAG) General Assembly and briefed the Council on the discussions and the actions taken. She reported this was the 60th Anniversary of ABAG and expressed her appreciation for the convenience of the WestCAT Link service she had used to attend the General Assembly. She had also attended a WestCAT Board meeting and briefed the City Council on the discussions and actions taken. She added the Law Enforcement Torch Run in support of the Special Olympics would be held on June 21, 2023, leaving the City of Hercules around 8:00 a.m. to arrive in the City of Pinole to take the torch down San Pablo Avenue. She understood a few City employees would participate and she encouraged the public to watch the exchange of the torch at the corner of Tennent and San Pablo Avenues, expected between 8:30 and 8:45 a.m.

Council member Martinez-Rubin had attended a City Manager's Sales Tax Working Group, a subgroup of the Revenue and Taxation Policy Committee of the League of California Cities, and along with Council member Sasai had attended the City Seal and Logo Subcommittee and briefed the City Council on all discussions.

Council member Sasai reported on the flag raising ceremony in recognition of Filipino Independence Day, which had been a historic event since it commemorated the City's first proclamation recognizing Filipino Independence Day and also recognized the 125th anniversary of the independence of the Philippines. The event had been well attended and would air on PCTV. He had also attended the ABAG General Assembly and WestCAT Board and City Seal and Logo Subcommittee meetings.

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

D. Council Requests for Future Agenda Items

ACTION: Motion by Council member Sasai/Mayor Murphy for staff to return with a recommendation on how to establish a Crime Prevention through Environmental Design (CPTED) Rebate Improvement Program for Small Business Owners and Owners of Commercial Properties in the City of Pinole.

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

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

E. City Manager Report / Department Staff

City Manager Andrew Murray provided an overview of the tentative agenda items for the July 18, 2023 regular City Council meeting.

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

F. City Attorney Report: None

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 Regular City Council Meeting on June 6, 2023.
- B. Receive the June 2, 2023 – June 16, 2023 – List of Warrants in the Amount of \$1,479,362.50 and the June 9, 2023 Payroll in the Amount of \$558,342.42 (\$486,887.74 Regular Payroll plus \$71,454.68 PD Holiday Pay)
- C. Award a Contract to CSW/ST2 to Complete a Broadband Opportunities Assessment **[Action: Adopt Resolution per Staff Recommendation (Mishra)]**
- D. Award a Contract to West Yost to Complete a Water Reuse Opportunities Assessment **[Action: Adopt Resolution per Staff Recommendation (Mishra)]**
- E. Adoption of a Resolution to Provide City Council High School Student Intern Volunteers with a Monthly Stipend **[Action: Adopt Resolution per Staff Recommendation (Shell)]**

- F. Approve an Unmanned Aerial System (UAS) Policy **[Action: Adopt Resolution per Staff Recommendation (Epps)]**
- G. Resolution of Support for Assembly Constitutional Amendment (ACA) 4 Regarding Right to Vote While Incarcerated **[Action: Adopt Resolution per Staff Recommendation (Rogers)]**
- H. Award a Construction Contract for Safety Improvements at Tennent Ave/Pear & Plum St (CIP Project #Ro2304) to Xcel Engineering in the Amount of \$158,322 (CCTA) **[Action: Adopt Resolution per Staff Recommendation (Dhillon)]**
- I. Adopt a Resolution Declaring Intent for the Levy and Collection of Annual Assessments for the Pinole Valley Road Landscape and Lighting Assessment District (LLAD) for FY 2023/2024, Setting the Date of the Public Hearing, and Approving the Annual Engineer's Report **[Action: Adopt Resolution per Staff Recommendation (Mishra)]**
- J. Placement of Liens for Delinquent Unpaid Waste Collection Charges Falling Delinquent between January and March 2023, considered at an Administrative Hearing on June 1, 2023 **[Action: Adopt Resolution per Staff Recommendation (Stone)]**
- K. Adopt a Resolution Establishing the Fiscal Year (FY) 2023/24 Appropriations Limit **[Action: Adopt Resolution per Staff Recommendation (Guillory)]**
- L. Final Proposed Fiscal Year (FY) 2023/24 Operating and Capital Budget **[Action: Adopt Resolution per Staff Recommendation (Guillory)]**
- M. Resolution Approving the Tri-City Police Dispatch Services and CAD/RMS Agreement Between the Cities of Pinole, Hercules and San Pablo and Authorizing the City Manager to Execute the Agreement **[Action: Adopt Resolution per Staff Recommendation (Gang)]**
- N. Approval of Fiscal Year (FY) 2023/24 Through 2027/28 Five-Year Capital Improvement Plan **[Action: Adopt Resolution per Staff Recommendation (Dhillon)]**

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, spoke to Item 9C, Page 60 of 631 of the agenda packet and cited the statement in the Broadband Opportunities Assessment, Scope of Work, which read: *The City of Richmond has rights to 12 strands of the Conterra fiber, which runs through Pinole* and noted as the consultant had stated there was already a broadband system in place the City could potentially buy into rather than build a new one from scratch.

For Item 9D, Pages 80 and 81 of 631 of the agenda packet, Mr. Menis noted the statement in the Water Reuse Opportunities Assessment, Method for Executing Scope of Work which read: *Upgrading the WWTP to meet Title 22 requirements would be very costly; constructing a new, separate non-potable water distribution system would add even more cost.*

*Further, any new site that converts from potable water use to non-potable water use (e.g. parks, dual-plumbed buildings, etc.) would need to make costly upgrades and conversions to its on-site plumbing systems to mitigate the potential for cross-contamination between non-potable and potable water systems, and Mr. Menis commented that would require cooperation with the East Bay Municipal Utility District (EBMUD). He also referenced Task 3: Wastewater Treatment Evaluation, which included the statement *Lastly, we will also consider the need for nitrogen removal as the space constraints on the existing WWTP site for a nitrification de-nitrification process will likely be a fatal flaw.* He noted there were concerns whether or not the project would be feasible and given the statement referenced, he suggested the City Council pull Item 9D and amend it to do Task 3 only. If Task 3 failed, the other tasks may become significantly less useful if it may not be feasible to rebuild the plant and recycle the water.*

For the same item Page 84 of 631 of the agenda item, Mr. Menis pointed out the Fee Proposal Chart had broken down the fees for Task 3 and there was the potential for significant cost savings with that approach.

For Item 9E, Mr. Menis asked the City Attorney to clarify the monthly rate stipend for 15 hours per week as shown on Page 105 of 631 of the agenda packet, which averaged around \$8/hour for a four week month and \$6.30/hour for a five week month, which was significantly below the minimum wage. He asked whether the City did not have to pay minimum wages for interns since they were not City employees, which should be clarified.

For Item 9F, Page 113 of 631 of the agenda packet, the scope for the Unmanned Aerial System (UAS) Policy, Mr. Menis identified a typographical error with references to "volunteers" and "employees" having been listed twice. With respect to Page 116 of 631 of the agenda packet, and the list of potential secondary uses for cross departmental support for drones, he identified some formatting errors. He asked how the list would impact the enforcement of conditions of approval the Planning Commission had created or whether it would serve as an after-the-fact monitoring tool.

For Item 9G, Mr. Menis supported the resolution in support of Assembly Constitutional Amendment (ACA) 4 regarding the right to vote while incarcerated given that those who were incarcerated on misdemeanors were currently allowed to vote while incarcerated. He provided a detailed overview of the role of voting and the franchise in general and suggested excluding felons because of their crimes from the electorate exiled them on top of the other punishments from the community. He suggested allowing felons to vote would significantly reduce the rate of recidivism by reintegrating those individuals into the community.

Mr. Menis further spoke to Item 9H and asked why the estimated cost for the expected bid for the contract for the safety improvements at Tennent Ave/Pear & Plum St. was so much lower than the minimum responsive bid, as shown in the June 20, 2023 staff report.

For Item 9M, Page 436 of 631 of the agenda packet, Mr. Menis referenced the statement which read: *Details of the agreed upon formula are included in Exhibits C and D of the Agreement, but in brief the new allocation formula results in a reduction of Pinole's contribution from 32% to 28.29%, with Hercules paying 21.91% and San Pablo paying 49.80%.* He asked whether the rate would be recalculated year after year depending on the various factors used to calculate the rate or whether it would be a one-time set rate made at the start of the contract, to be reviewed at the renewal or extension at the five-year period.

For Item 9N, Pages 465 and 466 of 631 of the agenda packet, Mr. Menis noted the significant fund balance for each of the sources to fund the Capital Improvement Plan (CIP) projects as shown, in particular Fund 200 – Gas Tax. He questioned whether that actually would hold given the gas tax values in the budget had shown the fund balance would be negative at the end of the year, which should be clarified.

James Purcell, Contra Costa County voter, referenced Item 9G and expressed his support for the resolution in support of ACA 4. He noted the United States was one of the world's democracies that had the most restrictive criminal disenfranchisement laws in which convicted offenders who had served their sentences were none the less disenfranchised. Most of the sources of criminal disenfranchisement went back to the reconstruction era, Jim Crow laws, the Black Codes and in response to the 14th and 15th Amendments. He pointed out the State of California sought to restrict the rights of poor and non-white citizens and in 1962 California refused to ratify the 14th Amendment. Because of that over 100,000 Californians were not allowed to vote. He provided statistics for the rate of African-Americans as opposed to non-African-Americans who were disenfranchised, stated the primary population rate of those who were disenfranchised was comprised of Black men who were also the most targeted by the legal system with the greater percentage of the prison population in comparison to the population of the state in total. Disenfranchisement also disproportionately impacted veterans, many of whom returned to civilian life with traumas and faced a greater likelihood of being arrested.

Mr. Purcell provided the statistics of veterans who had been denied the right to vote despite having served their country. Disenfranchisement could also affect civil and communal participation in general and felony disenfranchisement could create political incentives to skew criminal law in favor of disproportionately targeting groups who were political opponents of those in power. He added studies had shown repeatedly that when systems impacted whether people could vote they were less likely to be re-incarcerated after release. Voting rights had been hard fought and were only rights if endowed to all citizens in the country. He suggested the State of California should join other states that had supported ACA 4, which was also supported by the American Civil Liberties Union (ACLU) and League of Women Voters. He found the disenfranchisement of anyone from a vote to be anti-democratic and anti-American.

Bob Moore, Pinole, also speaking to Item 9G, identified himself as a justice-impacted family member and family member of someone who had been a victim of a violent crime. He opposed ACA 4 and suggested before the City Council supported this legislation it should also receive testimony from some of the victims of crime. ACA 4 would allow felons of all crimes to vote and he urged the City Council to visit federal prisons to see the types of people who may be allowed to vote. He had visited prisons personally and had spoken to his experiences pointing out some prisoners continued to break the law while in prison. He also urged the City Council to get feedback from the citizens of Pinole to see whether residents supported City Council support of ACA 4. He reported he had recently posted the topic on the Nextdoor platform asking that very question and none of the commenters were in favor of ACA 4. ACA 4 would allow felons who were incarcerated the right to vote, people who had shown no respect for laws and was a slap in the face to all victims. He suggested not all ideas for justice reform were good ideas and ACA 4 was not a good idea.

George Pursley expressed his support for ACA 4 and commented that this country locked up more people per capita than any other country in the world and he too spoke to the impacts to the poor, Black and Brown communities who were effectively living in what he called a police state. He noted the amount of justice in this country was all too often the amount of justice one could afford and he questioned the actions of the current Public Defender. He provided the statistics for prisoners in the prison system who had officially been exonerated since 1989, and where 26 percent had pled guilty. He suggested the system was broken and discriminatory and disenfranchising people in prison continued systematic disenfranchisement of Black people, which had started at the end of reconstruction. If ACA 4 was passed by the State Senate and Assembly it would also need to be passed by the voters of the State of California. He suggested someone opposed to ACA 4 was essentially removing his right to vote and striking a blow against democracy. He urged the City Council to adopt the resolution in Item 9G.

Maria Alegria, Pinole, spoke to Item 9E and expressed her support for the item. For Item 9F, she expressed concern with the proposed UAS Policy and detailed her personal experience with a drone while outside a restaurant with other patrons in another county, which she felt was racial profiling. She expressed concern such equipment could be used to invade one's personal space. She urged the City to ensure that would not happen to Pinole citizens and asked that the City's UAS Policy include language for a reporting system if such equipment was used and a citizen felt violated.

For Item 9G, Ms. Alegria reminded the City Council that voters had passed ACA 6, Proposition 17, which restored the voting rights of prisoners and which passed by 65 percent of the electorate of Contra Costa County. She provided an overview of the history of ACA 6 at this time, and noted the citizenry would also have the right to vote on ACA 4. She suggested that allowing an opportunity to vote on ACA 4 would not disenfranchise her but allow her voice to be heard. She recommended the City Council approve Item 9G.

For Item 9H, Ms. Alegria thanked the City Council for placing the item on the agenda. She understood the project included a 30-day period for project completion and asked when the project would commence since it was overdue. She expressed her hope it would be completed prior to the start of the next school year.

For Item 9L, Ms. Alegria reminded the Council that three employees reported to the City Council including the City Manager, City Attorney and City Clerk. She reported she had spent the last two months trying to determine the salaries for the City Manager and City Attorney and she thanked Council member Sasai for facilitating her request to meet with the Finance Director to better understand the labor cost allocations as shown on Pages 257 and 258 of 631 of the agenda packet. She commented on the challenges obtaining that information and suggested the information should be posted on the City website to ensure transparency. For the record, she reported the City Manager received wages and benefits in an amount over \$500,000 and the City Attorney over \$596,000 whereas the City Council received a meager \$78,000 for five Council members. She suggested there was a disconnect since the City Council was doing all of the hard work and should be compensated a bit more.

Ms. Alegria was otherwise pleased the City would finally retain a grant writer and reported she had conversations with a representative for Assemblymember Garamendi who lived in the community and who commented on the funds available for infrastructure projects. She urged the Mayor to have that conversation given funds needed to repair the City's roads and infrastructure.

Chris Lodgson, Community Organizer and Policy Manager for the Anti-Recidivism Coalition (ARC), spoke to Item 9G, and stated ACA 4 would allow the voters of the State of California the choice and option to remove the prohibition from the State Constitution that disallowed those convicted of felonies to vote. ARC strongly supported ACA 4 and strongly supported the City Council's support of ACA 4. ACA 4 would give California voters the opportunity to decide whether or not to restore voting rights to people completing their prison sentence with felonies. He suggested voting was not a privilege or opportunity but a God-given right to vote for the citizenship and suggested those convicted felons should not lose those rights and as citizens should be allowed to vote and participate in civic matters. The votes of all citizens were needed and desired in order to maintain a healthy representative democracy that considered everyone's perspectives and channeled concerns and frustrations into constructive political power. Democracy was stronger when fair and inclusive and stripping people of their right to vote was a form of voter suppression and out of step with the American values at a time when national democratic institutions were threatened. He added that the State of California should go in a different direction and re-empower all citizens by freeing the vote for people in prison.

Jovanca Beckles, a member of the AC Transit Board of Directors, representing Ward 1 but speaking as a citizen and voter in Contra Costa County, echoed the comments of the speakers about why ACA 4 was so important. She emphasized that voting was a right, racial oppression was real and voters had the opportunity to reduce mass incarceration through state legislation and policies. She too spoke to the percentage of the Black population that was incarcerated with a large disproportionate number of Black and Brown persons incarcerated in the State of California. She referenced right-wing groups that had been aggressive in the attempts to destroy democracy, with the country under attack from fascism and right-wing extremists. She commented on the data which had shown that 90 percent of all incarcerated individuals would be released from incarceration and should have an opportunity to have a say in their future and a say in the communities in which they would return. She urged the City Council to adopt the resolution in Item 9G.

Thanh Tran, Ella Baker Center for Human Rights, expressed his support for Item 9G and ACA 4. As a former foster youth and someone who had formerly been incarcerated, he took the opportunity to congratulate those who were fathers in recognition of Father's Day and those fathers who were currently incarcerated. He spoke to his experience as a foster youth and those men who were incarcerated with him and who had raised him in prison, taught him values in prison and how to love himself, family and others. He also spoke to the issues that those who were incarcerated cared about and what they would vote on if they had the ability to do so while in prison. ACA 4 was not just about being allowed to vote while in prison but about safer communities, with 90 percent of incarcerated persons even with life sentences likely to return home. He implored the City Council to create safer communities for all by passing the resolution in Item 9G.

Antoinette Ratcliffe, Executive Director, Initiate Justice, Co-Sponsor of ACA 4, also expressed her support for Item 9G. She echoed all of the comments made in support of ACA 4 and agreed it was a fundamental right not a privilege to vote. It would strengthen communities, reduce recidivism, discriminatory and disparate impacts of felony disenfranchisement on already historically oppressed races and communities. She added if ACA 4 was passed by California voters, it would strengthen the state's democracy. At a time when democratic processes across the country were under attack, California had the opportunity to make democracy more inclusive.

Ms. Ratcliffe stated ACA 4 would also allow an opportunity for voters to contribute to developing proactive and pro-social neighbors one wanted in their communities and welcome home people who were connected and invested in their communities. Data had shown people who voted while incarcerated or shortly thereafter were 50 percent less likely to be rearrested. Initiate Justice had conducted a survey of people currently incarcerated and on parole in 2017, and she highlighted the top issues people would vote on if they had the opportunity, which included jobs, economy, education and health care. She urged the City Council to support the resolution in Item 9G.

Richard Lye also supported Item 9G and agreed with the sentiments in the resolution. He stated the current State Constitution made an assumption to the right to vote for incarcerated individuals, which was unjust and inconsistent with the basic tenets of democracy and should be repealed as outlined in ACA 4. He reiterated that voting was a right, not a privilege, with the foundation of democracy resting heavily on this right. He went on to comment that the current language in the State Constitution made second class citizens of an "other" group and stripped them of basic rights and representation and continuing to support the status quo in this way was wrong and dangerous. He added that other states in this country and in United States Territories had supported similar legislation as ACA 4. He too urged the City Council to support the resolution in Item 9G.

Cordell Hindler, Richmond, spoke to Item 9A, Page 26 of 631 and asked that the last sentence of his comments be revised to read: *He otherwise found some speakers had been cut off from making comments, noted some cities in West County allowed speakers to complete their comments, and the City Council should listen to its constituents, allow speakers to complete their comments and not be cut off.* For Item 9E, he had reviewed data from the cities of Menlo Park, Richmond and San Pablo; Richmond and San Pablo paid interns \$20/hour and Menlo Park paid interns average salaries between \$53,000 and \$60,000.

For Item 9K, Mr. Hindler thanked the Finance Director and City Manager for responding to his questions. He commented on the funds shown in the budget for the City Clerk and City Council for furniture, which he found to be a large gap, and funds for a consultant and recommended consideration of CPS Consulting that had expertise in diversity, equity and inclusion. He also spoke to the funds identified in the budget for event planning and offered for consideration Kate Siegel Fine Events located in San Francisco which had event planning experience. For Item 9N, he supported the item which sounded good in theory.

City Clerk Bell referenced item 9I, and identified a typographical error on Page 144 of 631 of the agenda packet, with the last sentence under the heading Fiscal Impact to be corrected to read:

The total District budget for Fiscal Year 2023/24 will be \$57,680.34.

Mayor Pro Tem Toms requested that Item 9G be removed from the Consent Calendar for discussion.

Council member Martinez-Rubin requested that Items 9A, 9E, 9F and 9G be removed from the Consent Calendar for discussion.

PUBLIC COMMENTS CLOSED

ACTION: Motion by Council members Sasai/Tave to approve Consent Calendar Items 9B, 9C, 9D, 9H, 9I, 9J, 9K, 9L, 9M and 9N, as shown.

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

For Item 9A, Council member Martinez-Rubin requested a revision to the last sentence as shown on Page 23 of 631 of the agenda packet, for the Minutes of the Regular City Council Meeting on June 6, 2023, as follows:

Given the agreement linked to the City website and to the staff report, there were specific ways the City had negotiated a contract in the past that benefitted ratepayers, which was consistent with what the City's Municipal Code allowed.

ACTION: Motion by Mayor Pro Tem Toms/Council member Martinez-Rubin to approve the minutes of the Regular City Council Meeting on June 6, 2023, subject to the revisions provided by Council member Martinez-Rubin and Cordell Hindler.

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

For Item 9E, Council member Martinez-Rubin commented that the staff report for the policy for high school student intern volunteers had not included a selection process once applications had been obtained from interested parties for the student internships. She asked for clarification if the internship was for a minimum period and advised she would make a motion that there be a maximum of one intern per Council member.

Human Resources Director Stacy Shell clarified that applicants would apply through the City's application process and an interview process would be established for the applicants and Council members. Council members would be able to make their selection after that interview process and from there a background process for the interns would occur. Once those processes had been completed the individual selected would be partnered with the Council member. A minimum period had not been established for the internship since this was a pilot program, but staff had determined the program would be through the school year. That period could be extended if the City Council chose to do so at a later date. She confirmed it would be possible to implement the recommendation for a maximum of one intern per Council member as part of the pilot program with no more than one intern per Council member budgeted at this time.

Council member Martinez-Rubin clarified in part the reason for a maximum of one intern per Council member was due to the budget and amount of time to oversee and supervise an intern, to be absorbed by the Council member.

As a matter of fairness, Council member Martinez-Rubin wanted to see the budget distributed equally amongst the five Council members. While she recognized a Council member may not decide to participate in the program at the beginning of the school year they may decide to participate later and acquire an intern and those funds allotted in their entirety should be available.

Council member Martinez-Rubin offered a motion, seconded by Mayor Pro Tem Toms to adopt a resolution to provide City Council high school student intern volunteers with a monthly stipend and that there be a maximum of one intern per Council member.

On the motion, Council member Sasai understood only two out of five Council members were interested in having an intern at this time. He asked whether that had changed.

Human Resources Director Shell confirmed that only two Council members had expressed an interest in having an intern since the inquiry had first been submitted to the City Council.

Council member Sasai could not support the motion since he found it would limit the value of PVHS students participating in the intern program. He preferred to have two to three interns working for him while he understood that would depend on how many interns each Council member wanted to take on. He would rather be able to expand the reach of the program.

City Attorney Eric Casher clarified in response to the public comment about Item 9E that the City may legally issue a stipend of \$500. A six-part test would be required to be met pursuant to the Department of Labor for the City to issue a stipend versus minimum wage, which criteria the City would meet with the intern not guaranteed a job after the internship, the intern would not replace an employee of the City and other standards as shown in the June 20, 2023 staff report.

Council member Martinez-Rubin understood the intent of the program was to expose as many students as possible to the internship experience and if the intent was to expose the intern to volunteerism and governance, student internship was not the only way to volunteer and learn about governance. Since this was a pilot program, she wanted to see it work well and have that Council member and intern learn from each other. She did not see her motion as narrowing the program. She had experience working with interns at the graduate level and suggested there was opportunity to have a wonderful learning experience for the Council member and the intern and have that investment in time to allow for that to happen.

City Manager Murray did not assume at this time that only two Council members were interested in participating in the program. With the establishment of the program and once the stipend had been approved, staff could put out a new call of interest in the program. He did not want staff or Council members to feel they had missed the opportunity to participate.

Council member Sasai asked whether the item would return to the City Council to explore options for a self-interview process, limitations of the program or any logistics before it went out to solicit interest from high school interns, and Human Resources Director Shell clarified staff had not anticipated bringing the item back in that the pilot program had been adopted at a prior City Council meeting with this action, the approval of a stipend, an addendum to the prior action.

Council member Sasai understood there was a ceiling to the number of interns if there was a lot of interest given the budget, although City Manager Murray explained the City Council may amend that at any time.

Council member Sasai reiterated his earlier comments and stated he needed more time before he could vote on the motion that he currently did not support.

ACTION: Motion by Council member Martinez-Rubin/Mayor Pro Tem Toms to adopt a resolution to provide City Council high school student intern volunteers with a monthly stipend and that there be a maximum of one intern per Council member.

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

ACTION: Motion by Council members Tave/Sasai to adopt a resolution to provide City Council high school student intern volunteers with a monthly stipend.

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

For Item 9F, Council member Martinez-Rubin referenced Page 113 of 631 of the agenda packet and identified a typographical error (repeat of terms) in the paragraph under the heading Scope. To Page 114, Section 6. Privacy & Security, she requested clarification the “City data” to be collected would be treated like any public record request by a third party to have access to such recordings.

City Attorney Casher clarified that anything recorded from a drone used pursuant to this policy would be a matter of public record and the City would provide recordings captured from the drone.

Mayor Murphy commented that the language under Section 5. Data, also shown on Page 114 of 631 of the agenda packet which read: *Distribution of raw UAS data is restricted to City departments for the purpose of cleansing and processing data only* was inconsistent with the statement made by the City Attorney.

City Attorney Casher clarified the intent of the section referenced and explained that footage captured by a UAS would be of public record, although certain images within the footage may have to be redacted or blurred depending on what had been recorded.

Council member Martinez-Rubin referenced Page 115 of 631 of the agenda packet and the first sentence of the language in Section 9. Use Agreement Language, and clarified with Assistant to the City Manager Fiona Epps there had been a typographical error and the sentence should be corrected to read:

If an Unmanned Aircraft System (UAS) is used for any purpose under this policy either directly by the Contractor or by a subcontractor to the Contractor, the Contractor shall ensure that such activity is covered by Unmanned Aircraft Systems insurance.

Mayor Pro Tem Toms clarified for the benefit of the public the inappropriate use of a UAS had been addressed on Page 115 of 631 of the agenda packet, Section 7. Unauthorized Use Is Prohibited, and read: *Engaging in the unauthorized use of UAS or activities that are inconsistent with this Policy may be grounds for termination of the relevant contract, as well as applicable monetary fines and penalties*

ACTION: Motion by Mayor Pro Tem Toms/Council member Martinez-Rubin to approve an Unmanned Aerial System (UAS) Policy, as modified and as discussed.

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

Mayor Pro Tem Toms spoke to Item 9G and the discussion about this topic both online, in the Council Chambers, and comments she had received via email. She reiterated that Proposition 17 had restored voting rights to those who had previously been incarcerated but had served their sentences. ACA 4 would restore or provide the voting rights to those convicted of a felony. She clarified her comments were based on her personal experience and having been a victim of a felony and having dear friends who still suffered from trauma and who continued to be victimized. To have a campaign in 2024 to discuss this issue would bring up some severe Post-Traumatic Stress Disorder (PTSD) issues and was not respectful to victims who were often forgotten. She respected all of the comments that had been provided but she would vote no on this item.

Council member Martinez-Rubin recalled when the item had been requested as a future agenda item it had been intended as a discussion and not under consent as a resolution. Also, Consent Calendar items were intended to be non-controversial items and this item was controversial. Discussion of allowing criminally incarcerated the right to vote went back to the election of 2020 and the rationale about the votes that could be obtained. She suggested different levels should be considered for those who had already served after conviction to exercise their right to vote. She noted the Department of Justice had made available a guide to state voting rights which applied after criminal conviction, and in the State of California for those persons currently incarcerated with a felony conviction were not allowed to vote but people were allowed to vote during pre-trial detention, misdemeanors, federal convictions and out-of-state convictions. She too could not support the resolution in Item 9G.

Council member Sasai explained that he had requested the item. He asked the City Clerk what had been in the original motion when the item had been introduced.

City Clerk Bell advised she would have to go back and review the original motion but the spirit of the item was to bring a resolution for consideration which was before the City Council.

Council member Sasai stated democracy was important and when there were little to no speakers in the Council Chamber or online that was a concern and he appreciated all of the input in-person and online whether in opposition or support of this item. He suggested democracy worked best when everyone was included. He pointed out Canada and Israel allow the incarcerated to vote and on every continent there was at least one developed country that made sure everyone was part of the democratic process.

Council member Sasai also listed those states and United States Territories that allowed the incarcerated to vote and he cited the data and statistics for Black and Brown persons and those in low income communities who were currently prohibited from voting due to their contact with the criminal legal system.

Council member Sasai suggested the ability to vote was a right and he found ACA 4 a voter access bill and public safety measure about decreasing recidivism, with the data showing that those allowed to vote while in prison were 50 percent less likely to be re-arrested after re-entry. He pointed out that crime in Pinole was not just committed by those who lived in Pinole but those who lived in the region and if they were to be serious about public safety, they must consider those re-entering society since over 95 percent of those incarcerated were expected to be released. He respected those with an opposite view but at the same time ACA 4 would come to the ballot when the people of California would decide.

ACTION: Motion by Council member Sasai/Mayor Murphy to adopt a resolution of support for Assembly (ACA) 4 Regarding Right to Vote While Incarcerated.

Vote:	Passed	3-2
	Ayes:	Murphy, Sasai, Tave
	Noes:	Toms, Martinez-Rubin
	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 Public Hearing, Waive the First Reading of an Ordinance Amending Section 15.02.070 "Permitted Hours and Condition of Construction" of the Pinole Municipal Code [Action: Conduct Public Hearing and Waive the First Reading of the Ordinance (Casher)]**

City Attorney Cashier presented the staff report and recommended the City Council conduct the public hearing and waive the first reading of an Ordinance Amending Section 15.02.070 "Permitted Hours and Condition of Construction" of the Pinole Municipal Code (PMC).

Council member Martinez-Rubin asked whether construction may occur on Sundays, and City Attorney Cashier confirmed under the proposed ordinance amendment Sundays would be an option.

Council member Sasai asked whether there had been noise complaints from residents about construction noise in those areas of the City where construction was currently occurring, to which Community Development Director Lilly Whalen cited as an example the Vista Woods development, which was a large project in the City, and reported that to date staff had received no noise complaints.

PUBLIC HEARING OPENED

Rafael Menis, Pinole, understood the amendment to the ordinance would allow the City Manager to amend any construction hours at his discretion. He asked whether or not the City Manager would be limited in his discretion beyond the hours for construction.

Cordell Hindler, Richmond, asked the City Council to follow the staff recommendation.

Alfred Twu, MWA Architects, who has worked on affordable housing developments in the Bay Area, stated many cities in the Bay Area had provided extended hours for construction activities on weekends, which had been critical this year given weather-related delays and since it would be helpful for construction on projects to progress prior to the next rainy season.

PUBLIC HEARING CLOSED

Mayor Pro Tem Toms understood work on weekends was at the discretion of the City Manager who may restrict the work to the interior, as an example. She commented that a lot of work could be done on the interior of buildings that would not have noise impacts on a neighborhood. She pointed out City staff would not want to receive noise complaints for work on the weekends and she found that would be part of the discretion.

ACTION: Motion by Mayor Pro Tem Toms/Council member Tave to waive the first reading of an Ordinance Amending Section 15.02.070 "Permitted Hours and Condition of Construction" of the Pinole Municipal Code.

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. Updating the Procurement Policy to Require the Use of Union Shops for City Print Work **[Receive Report and Provide Direction (Murray)]**

City Manager Murray presented the staff report and stated the City Council could direct staff to prepare for the City Council's consideration at a future Council meeting revisions to the Procurement Policy regarding using union shops for printing. He recommended the City Council receive the information on a potential update to the City's Procurement Policy to require the use of union shops for City print work and provide direction to staff, as appropriate.

Mayor Pro Tem Toms asked the threshold of print jobs that would trigger the Procurement Policy, to which City Manager Murray explained the City Council may structure the threshold in any way that could be discussed further when staff came back with proposed revisions but he was uncertain a threshold was needed since the City had print jobs of all sorts and types and the Procurement Policy of seeking to work with union print shops first was not more extensive.

Council member Tave sought a rubric that could be used to prioritize union print shops for printing. He supported the return of the item with that framework.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, understood there were be no fiscal impacts related to the adoption of a Procurement Policy to require the use of union print shops and he asked for clarification.

Cordell Hindler, Richmond, recommended staff return at a future meeting with revisions.

Joe Summers, Political Director, Contra Costa Labor Council, expressed his support for this item. He understood the City already utilized union print shops for printing needs and using a union shop ensured quality craftsmanship for needed materials and assurance workers received good wages and benefits in a business promoting positive labor relations. He suggested this action was also in keeping with the community's values, there would be union representation and any contracts and workforce should be treated fairly as well, when possible.

PUBLIC COMMENTS CLOSED

City Manager Murray clarified that staff had not envisioned doing less print work, the current circumstances absent a preference was that sometimes non-union print shops were a lower cost than union print shops and other factors. The City spent relatively a small amount of money on printing already and even with a small increase in costs, staff did not expect significant increases since the City's printing expenditures were already low.

Council member Sasai suggested when staff returned with an update to the Procurement Policy practicality be kept in mind. He supported the Procurement Policy.

Council member Martinez-Rubin clarified when discussing print work, they were discussing a print shop, versus photo copies which could be up to 1,000 pages for any given City Council meeting, and which would remain in-house.

City Manager Murray clarified that photo copying would depend on whether staff out-sourced or not, and he did not envision any changes to the service model, with the current print work being out-sourced to continue with a preference for union print shops. A volume or capacity issue with photo copying may also be done at a print shop.

Council member Sasai suggested when a union print shop was used the items printed show the union bug doing the work, which was good for visibility.

ACTION: Motion by Council member Sasai/Mayor Pro Tem Toms to direct staff to return and present to the City Council an update to the Procurement Policy requiring the use of union print shops for City print work.

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

B. Discussion and Possible Direction Regarding the City's Intergovernmental Legislative Review and Action Process **[Action: Receive Report and Provide Direction (Murray)]**

City Manager Murray presented the staff report and recommended the City Council receive the information on the City's intergovernmental legislative review and action process and establish an Ad Hoc Subcommittee to provide a recommendation to the full City Council on potential changes to the City's current process.

Mayor Pro Tem Toms commented the City had employed a number of subject matter experts and she suspected some of the Department Heads were involved in various organizations and kept apprised of legislative bills. She could support staff to also submit legislative platform items, which was something she did as part of her day job with the County, with items submitted based on what was in the General Plan, implementation measures and policies for certain projects. That could be something staff could prepare that the City Council could add to as an option.

City Manager Murray advised the existing process for agenda development allowed City staff to bring forward position letters on legislation for City Council consideration. Having City staff input on City Council positions, if the City Council elected to establish an Ad Hoc Committee to develop its platform City staff could help that subcommittee develop that platform or a standing committee that met periodically to discuss legislation with a staff liaison could be another option.

Mayor Pro Tem Toms reiterated the process in which she had experience was a platform which was renewed every year like some of the examples provided in the June 20, 2023 staff report, and which was broad and if there was a piece of legislation that fits in that category it was already a done deal and supported the legislation. She commented it was a heavy undertaking the first time but after that was just updating.

Mayor Murphy reported the Marin Clean Energy (MCE) Board had a process that was similar to the process utilized by the Town of Danville, as detailed in the staff report, which platform worked well for MCE. He was open to a Legislative Ad Hoc Subcommittee process but it may be mundane since the City Council may want to tap into issues of importance since Council members served on various committees and may want to do additional work. He suggested staff prepare something like the Town of Danville's legislative process and include information from other partners such as CivicWell and the League of California Cities, and the City Council could make edits at a future City Council meeting. He was also interested whether staff saw value of a Legislative Ad Hoc Subcommittee outside of or in addition to that process.

City Manager Murray suggested it came down to a decision whether or not to have a limited term Ad Hoc Subcommittee make a recommendation to the City Council about how to approach the City's intergovernmental legislative review based on the two versions of models staff had outlined in the staff report and then staff could return with a specific proposal for consideration.

Council member Sasai asked of the scope of the Ad Hoc Subcommittee, to which City Manager Murray explained it would be up to the Ad Hoc Subcommittee that would address which of the two models in the staff report should be recommended to the full City Council. If recommending a detailed platform model, the Ad Hoc Subcommittee could develop that detailed platform and City staff could also return with a proposed framework.

City Manager Murray added that the City Council could do that through the Ad Hoc Subcommittee process with staff support. The scope of activities of the Ad Hoc Subcommittee depended on how the City Council wished to define it.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, asked the intent of the item and while he understood a legislative platform would be beneficial to the City he questioned having a platform putting forward policy on legislative matters absent engagement from the full City Council, with staff to have the authority based on a written policy platform on certain subject areas, or in general shifting the responsibility of communicating with other levels of government to support or oppose legislation. While he recognized the priorities of the platform would ultimately be set by the City Council, he suggested there would be a loss of community engagement not having the City Council itself voting on the items even if just a Consent Item. For any piece of legislation or item there would not be the opportunity for public input and feedback or City Council input and feedback, just an all-at-once process or nothing, and while that may make the City Council meetings more efficient and flow faster again something would be lost absent bringing the particular items forward for public and City Council input and feedback.

Maria Alegria, Pinole, found this would end up in a circular file that would not see the light of day and while she liked the idea of a platform that could be incorporated into the strategic planning effort, legislation needed full transparency. She suggested it was the role of the City Manager, the Mayor and Mayor Pro Tem to discuss these issues with Department Heads. She suggested there was a disconnect and the City Council needed more discussion and possibly this should be discussed as part of the strategic planning process. Or, the City could consult with the League of California Cities and use existing resources available to the City.

Cordell Hindler, Richmond, reported he attended City of Berkeley Standing Committee meetings each month which were comprised of three Council members and an Alternate. He suggested City staff look to the City of Berkeley's process for legislative business. The City of Richmond also had Standing Committees that had met monthly but that had been discontinued for various reasons but could be another model to review. He recommended the item be continued and return after review of the models used by the cities of Richmond and Berkeley. He agreed the item was not yet ready for consideration.

PUBLIC COMMENTS CLOSED

Council member Martinez-Rubin commented as part of the adopted 2020 Strategic Plan there was the mention for creating a process for the City Council to have equal understanding about a piece of legislation. Efficiency was important and a goal of the Strategic Plan and was something the City Council should strive for. She emphasized the importance of making public what was of priority to the City in a legislative platform/statement that identified very overtly municipal services and that those be outlined with examples given to illustrate how forthcoming legislation fell under the heart of what made up what municipal services were and that be presented in a statement or platform based on the City's guiding document, such as the General Plan, Strategic Plan and any Master Plans similar to the examples from other cities included in the staff report.

Council member Martinez-Rubin acknowledged some Council members may have knowledge of certain pieces of legislation more than another based on various means and how to have a fairly equal understanding of any piece of legislation that impacted Pinole was one question. Legislation at the state and federal level included questions from the public about the relevance to local jurisdictions which was another question. As an example, the discussion on ACA 4 had included public comment from people outside of the City of Pinole along with a few City residents, which was a larger issue and a matter of how the public and the City Council became aware and eventually engaged in local legislation that may affect residents and how the City operated. Having created that identified what the priority pieces of legislation would be for the City of Pinole and which were non-controversial and relevant to basic municipal services spoke to the need to having such a document, which the City currently did not have. Other topics or issues that may come before the City Council based on other means determined what should be brought forward locally.

Council member Martinez-Rubin reiterated the need for a legislative platform that readily identified what the City Council may likely agree on and having staff draft a document/legislative platform that identified existing guiding documents already in place and that had been adopted by the City Council would be a start towards that. She supported having staff help out the City Council and identify the core of what legislation would maintain, sustain, and make possible for municipal services to exist to be based on staff's familiarity with the particular documents referenced for their own work along with what was known from its peers along with guiding documents already in place to be brought back to the City Council.

ACTION: Motion by Mayor Pro Tem Toms/Mayor Murphy to direct staff to return with a Draft Legislative Platform based on the existing adopted plans.

Vote:	Passed	4-1
	Ayes:	Murphy, Toms, Martinez-Rubin, Sasai
	Noes:	Tave
	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.*

Maria Alegria, Pinole, applauded Council member's Sasai's recognition of Filipino Independence Day and the flag raising ceremony, which event had been well attended. She had also been able to catch the tail end of the CCCFPD Wildfire Prevention Town Hall and wanted to learn more about the City's partnership with the CCCFPD but was surprised with the lack of City staff at the event. She asked what type of partnership the City was developing with the CCCFPD given there had been no public information from the Town Hall discussion and asked how people were being made aware of things happening with the CCCFPD.

Ms. Alegria emphasized that fire season was here, she had done her due diligence for her property and hoped her neighbors would do the same, but there had been no information from City Hall responding to her concerns. She had learned that CCCFPD had an awesome fire protection program but because code enforcement was within the jurisdiction of the City of Pinole that was a concern and she asked whether the City had considered contracting with CCCFPD as part of the agreement between the City and the CCCFPD. She asked the City Council to look into that issue and the City to be proactive to help neighbors prevent fires in the Pinole Valley.

Cordell Hindler, Richmond, extended his congratulations to the PVHS Soccer and Tennis Teams for their winning seasons, and reiterated his concern every time resident Anthony Vossbrink called into the City Council meetings his comments were cut off and he reminded the City Council to listen to its constituents. He had looked at other cities in West County whose mayors allowed residents to finish their comments. He otherwise requested that the City Council invite Danny Wan or representative to make a presentation on the plans for the Port of Oakland as it was adjusting to coming out of the pandemic as a future agenda item. Additionally, he referenced the budget for the prior fiscal year and the position for Assistant City Manager. Having looked at other jurisdictions, the Assistant City Manager position played a vital role in City government which was important when the City Manager was not present.

Alfred Twu, reported he had an excellent time at the Pride event he hoped the City would continue every year.

Irma Ruport, Pinole, agreed the Pride event had been awesome and she encouraged the City to bring the event back next year; however, she had spoken to a CCCFPD firefighter in passing at the event and had learned there had been some miscommunication and the CCCFPD had not been invited. With the upcoming Car Show, she asked the City Council to invite the CCCFPD to the event. She added the Pride event included a combination of community events and she urged the City to do a better job scheduling multiple events in the future if they were to be combined. She further commented in response to concerns with time limitations for public comment that the Mayor should notify the speaker when they were close to reaching the time limit and remind speakers of the rules for addressing the City Council. The City Council should be fair to everyone with everyone to have the same time restrictions.

Anthony Vossbrink, Pinole, also spoke to the three-minute limit time for public comment and noted the time clock as shown on the video for the City Council meeting was only shown for those calling in which he found to be distracting. He questioned the different protocols for those making public comment whether in-person or online. He suggested some speakers had been allowed to speak beyond three minutes when everyone should be allowed equal time and should be allowed to complete their comments before being cut-off. He otherwise commented on the number of street light outages up and down Pinole Valley Road, on Henry Avenue, along San Pablo Avenue and the Adobe Road turnabout. Bulbs needed replacement or were missing or there were missing wires. Traffic street signs and street corners were being obstructed by trees and bushes and public restrooms remained in disrepair.

City Clerk Bell explained that the time clock for remote speakers was displayed since remote speakers did not have the ability to see the visual cues set up in the Council Chambers for in-person speakers and was an attempt by staff to provide all speakers a warning when the three-minute time was coming to an end.

City Clerk Bell also clarified with respect to public comment on Consent Calendar items that when a speaker was present in-person and wanted to speak on multiple items those speakers were provided three minutes per item. If speakers had comments that may go beyond the three-minute time limit, they were encouraged to provide written comments in advance of the Council meeting which could be distributed to the City Council and be posted online.

The City Council adjourned to Closed Session at 9:48 p.m.

At 11:11 p.m., Mayor Murphy reconvened the meeting into open session and announced there was no reportable action from the Closed Session.

14. ADJOURNMENT to the Regular City Council Meeting of July 18, 2023, in Remembrance of Amber Swartz.

At 11:12 p.m., Mayor Murphy adjourned the meeting to the Regular City Council Meeting of July 18, 2023 in Remembrance of Amber Swartz.

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council: July 18, 2023

