

CITY COUNCIL MEETING

MINUTES

June 1, 2021

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS

The City Council Meeting was held via Zoom videoconference and broadcast from the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Martínez-Rubin called the Regular Meeting of the City Council to order at 6:03 p.m. and led the Pledge of Allegiance.

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

A. COUNCILMEMBERS PRESENT

Norma Martínez-Rubin, Mayor
Vincent Salimi, Mayor Pro Tem
Devin Murphy, Council member
Anthony Tave, Council member
Maureen Toms, Council member

B. STAFF PRESENT

Andrew Murray, City Manager
Heather Iopu, City Clerk
Eric Casher, City Attorney
Hector De La Rosa, Assistant City Manager
Chris Wynkoop, Fire Chief

City Clerk Iopu announced the agenda was posted on Friday May 28, 2021 at 10:00 a.m. All legally required notice was provided.

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

3. 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

Pursuant to Gov. Code § 54957.6

Agency designated representatives: City Manager Murray, Assistant City Manager De La Rosa, City Attorney Casher, Gregory Ramirez (IEDA)

Employee organizations: AFSCME Local 1, IAFF

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

At 6:38 p.m. Mayor Martinez-Rubin reconvened the meeting to open session. There was no reportable action.

5. 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.

The following speakers submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Alfred Twu, Cameron Sasai, David Rupert, Debbie Long, Irma Rupert, Maria Alegria, Michael Baum, and Lori Miller, Roy Swearingen, Sheila Jackson, Rafael Menis, Dimari and Fiona Epps, and Sal Spataro.**

At this time the City Council held a Moment of Silence in honor of Memorial Day and in recognition of the victims of the 1921 Greenwood District Massacre in Tulsa, Oklahoma.

Mayor Martinez-Rubin asked the City Manager to respond to the public comments regarding the possibility of completing the Brandt Court cul-de-sac and potential street improvements outside of this meeting. She also asked the City Attorney to provide an update related to the Planning Commission's recent decision regarding a development application on Brandt Court.

City Attorney Eric Casher provided an overview of a recent application for a home to be relocated and built on Brandt Court and clarified there was no legal requirement for the developer to build out that portion of the cul-de-sac. The Planning Commission decision on the project was final, the opportunity for an appeal had expired, and administrative remedy to appeal to the City Council no longer existed, with the project to be built as proposed absent a bulb-out cul-de-sac.

Mayor Pro Tem Salimi asked for a status report on the Car Show and City Manager Andrew Murray reported the organizer of the Car Show and City staff were working on the permits for the event. The organizers continued to plan to host the event in the City of Pinole and any new information would be brought to the City Council.

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Recognizing June as Pride Month

The City Council read the Proclamation recognizing the month of June as Pride Month aloud and Council members provided information on The Trevor Project.

2. Recognizing June 19, 2021 as Juneteenth Day

The City Council read the Proclamation recognizing June 19, 2021 as Juneteenth Day aloud and welcomed the recognition of history.

B. Presentations / Recognitions

1. Presentation from Bay Area Rapid Transit (BART) by Board President Lateefah Simon

BART Director Lateefah Simon clarified she was no longer the President of the BART Board since that title was currently held by Mark Foley. She provided a PowerPoint presentation of the BART 2021 Update and answered questions and comments from the Council. She also clarified the status of BART's short- and long-term expansion plans, how Pinole could work with BART to ensure its voice was heard at the regional level, initiatives to sync all transit systems, recognition of the services provided by Western Contra Costa Transit Authority (WestCAT), accessible transit, potential reconsideration of the West Contra Costa Transportation Advisory Committee (WCCTAC) study, details related to the Clipper Card®, Apple Pay, and BART's Small Business Program, BART's allocation from the American Rescue Plan Act (ARPA), and the impacts telecommuting had on ridership. She hoped to return with a status update on a quarterly basis. She added that BART would be holding budget hearings and information would be posted on the BART website.

The following speaker submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Rafael Menis**.

The City Council thanked Director Simon for the presentation, her leadership, and BART's efforts to continue safety and cleanliness efforts on its trains.

2. "Diversifying Pinole History: A Visual Storytelling Community Project"
Presentation by Dyana Wing So, Pinole Historical **Society**

Dyana Wing So provided a PowerPoint presentation on "Diversifying Pinole History: A Visual Storytelling Community Project" which emerged out of several months volunteering with the Pinole Historical Society on ways to engage young people in the West Contra Costa Unified School District (WCCUSD) interested in history, civic engagement, journalism and diversity topics. She answered questions and comments from the Council and advised this was a grassroots effort and a pilot program with six to eight students currently in the review process. More diverse participation was desired.

The City Council thanked Ms. So for the presentation and emphasized the importance that minority business owners were successful in the City and to be able to bid on public projects. Staff confirmed a list of Pinole's business license data was public information and could be shared with Ms. So.

Mayor Martinez-Rubin also asked staff to provide Ms. So the information on Kitchen at 812, a non-profit food business incubator which could be another way to access small businesses that may want to be interviewed for the project.

The following speaker submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Jeff Rubin**.

3. Presentation on Local History by Corrina Gould, Tribal Chair for Confederated Villages of Lisjan and Co-Founder, Sogorea Te Land Trust

Corrina Gould, Spokesperson and Tribal Chair, provided a PowerPoint presentation on the true history of the Confederated Villages of Lisjan and Ohlone Tribes, the background of the Sogorea Te Land Trust, the first Urban Indigenous Women led land trust in the country, and the effort working with many different cities to create recognition in their territories by creating relationships

with city councils through land acknowledgment and resolutions. She responded to numerous questions and comments from the Council about creating a relationship with the City of Pinole, land acknowledgement, and the criteria for Senate Bill (SB) 18.

The City Council thanked Ms. Gould for the presentation and looked forward to additional presentations and future discussions on how to incorporate the history of native peoples in the City's parks via signage and education.

7. 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 Meeting of April 6, 2021.
- B. Receive the May 15, 2021 – May 28, 2021 List of Warrants in the Amount of \$597,952.61 and the May 28, 2021 Payroll in the Amount of \$419,215.80.
- C. Resolution Confirming Continued Existence of Local Emergency **[Action: Adopt Resolution per Staff Recommendation (Casher)]**
- D. Receive Revised Final Proposed Long-Term Financial Plan for Fiscal Year (FY) 2021/22 – FY 2025-26 **[Action: Adopt Resolution per Staff Recommendation (Guillory)]**
- E. Receive a Report on City of Pinole Expenses That Were Reimbursed by the Cares Act Funding Allocated to the City **[Action: Receive Report (Guillory)]**
- F. Authorizing the City Manager to Execute Task Order #2 with RSG, Inc. In the Amount Not to Exceed \$41,500 for Ongoing Coordination and Negotiations of Commercial Real Estate Broker Services for the Sale of Several Former Redevelopment and Housing Assets **[Action: Adopt Resolution per Staff Recommendation (De La Rosa)]**

Mayor Martinez-Rubin referenced Item 7A, Page 5 of the Minutes of the April 6, 2021 Meeting and the statement under the Mayor's Report she had attended a meeting of the WCCUSD. She corrected that statement to reflect that she had attended a meeting of the West Contra Costa Mayors' and Supervisors' Association during which time a presentation had been made by then Superintendent Duffy about the WCCUSD.

Mayor Martinez-Rubin also referenced Item 7D, Revised Proposed Long-Term Financial Plan for Fiscal Year (FY) 2021/22 – FY 2025-26, identified the demographics and cultural information related to the City of Pinole, and pointed out the absence of 21.4 percent of persons with Latino/Hispanic background, which should be included in the Plan following the percentage of Other Races in Pinole.

Council member Murphy thanked staff and everyone involved for the modifications to the Revised Proposed Long-Term Financial Plan as part of Item 7D, a document he encouraged everyone to

read given its importance. He also referenced Item 7E and clarified with City Manager Murray the next steps regarding the Coronavirus Aid, Relief, and Economic Security Act (CARES) funding that had been allocated to the City, who noted the COVID-19 Small Business Assistance Program had no items pending but if the City Council wanted to extend the program and add new funding it would be through new City Council action which could be discussed as part of the budget to be presented to the City Council at the June 15 meeting.

ACTION: Motion by Mayor Pro Tem Salimi/Council member Toms to Approve Consent Calendar Items A-F, subject to the revisions requested by the Mayor for Item 7A.

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

8. 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.

None

9. OLD BUSINESS

- A. Resolution Approving Letter of Understanding Between the Cities of Pinole and Hercules, Regarding Disbursement of the Assets From Escrow Account Cost Agreement – Pinole/Hercules WW Treatment Plant – Upgrade **[Action: Adopt Resolution per Staff Recommendation (Miller)]**

City Attorney Eric Casher presented the staff report.

The following speaker submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Debbie Long.**

Council member Toms asked whether the City was under contract with a contractor and if that was a guaranteed amount or an estimate, and if not, whether there would be a contingency amount when going out to bid for repairs, or wait for disbursement until the project was entirely completed, and Mr. Murray provided an overview of the discussions between Hercules and Pinole noting that staff was confident the disbursement of assets from the escrow account would cover Hercules' share. Staff was comfortable closing out the cost sharing and escrow accounts based on the figures in the staff report with the assumptions fully protecting the City of Pinole and its ratepayers.

Council member Murphy clarified with Mr. Murray the details of the escrow account to share costs between Hercules and Pinole for WW Treatment Plant-Upgrade and the upgrades to the plant as defined

Mr. Casher also clarified the details of the fiscal agreement between the two parties.

ACTION: Motion by Mayor Pro Tem Salimi/Council member Tave to Adopt Resolution Approving Letter of Understanding Between the Cities of Pinole and Hercules, Regarding Disbursement of the Assets From Escrow Account Cost Agreement – Pinole/Hercules WW Treatment Plant-Upgrade.

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

- B. Discussion of Request To Amend The City Council Meeting Procedures To Include An Indigenous Land Acknowledgement at the Beginning of City Council Meetings **[Action: Discuss and Provide Direction (Casher)]**

City Attorney Casher presented the staff report. Proposed language had been included in the staff report for City Council consideration and if approved staff would return with a resolution and amendment to the City Council meeting procedures to include the proposed land acknowledgement language as directed by the City Council.

The following speakers submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Rafael Menis, Jason Kishineff, and Sal Spataro,**

The City Council thanked staff for the proposed language; suggested the Mayor or a guest could read the land acknowledgement prior to each meeting to ensure it did not become routine; with a recommendation the language would be reviewed annually to keep it current.

City Attorney Casher confirmed the document would be a living document to be reviewed annually with the opportunity to revisit the land acknowledgement and make refinements.

City Attorney Casher further clarified, when asked, that the Council meeting agenda was in the form as it appeared in the Council meeting procedures and the land acknowledgement would be in the published agenda and could be included in other sections that would be applicable, which would have to return for City Council consideration and approval. Whether or not the land acknowledgement language should also be included on Planning Commission agendas was up to the City Council and he was uncertain to what extent the City Council procedures provided for such direction which could be clarified before the next City Council meeting.

The City Council also discussed using the broader term for the Ohlone people which could simplify the verbiage, and if the land acknowledgement was revisited each year it could be fine-tuned and modified as the Council saw fit. It was noted that the WCCUSD Board meeting agendas started with the opening of the meeting, Pledge of Allegiance, land acknowledgement and then Roll Call.

City Clerk Iopu reported the City Council served as the gold standard and example for the rest of the City's Boards and Commissions and whatever action the City Council took could be shared with the staff of the other Boards and Commissions who could add the land acknowledgement to their agendas as well. She would facilitate the next steps with those other bodies.

ACTION: Motion by Mayor Pro Tem Salimi/Council member Toms to Approve the City Council Meeting Procedures to Include an Indigenous Land Acknowledgement at the Beginning of City Council Meetings.

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

10. NEW BUSINESS

None

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
1. Announcements

Mayor Martinez-Rubin reported she had attended the West Contra Costa County Mayors' and Supervisors' meeting and East Bay Division sponsored by the League of California Cities, and briefed the Council on all discussions.

- B. Mayoral & Council Appointments
1. Create 2021 Interview Ad Hoc Subcommittee of the City Council for Community Service and TAPS Committee Appointments [**Action: Create Ad Hoc Committee by Minute Order (Iopu)**]

City Clerk Iopu provided a brief summary of the recruitment process for vacancies on City Boards/ Commissions. The Council was asked to create a two-member Interview Ad Hoc Subcommittee to coordinate with the City Clerk's Office to conduct interviews and to serve until the end of 2021, with the membership to be reconsidered in December as part of the City Council assignment list.

Council members Murphy and Tave expressed the willingness to serve on the Interview Ad Hoc Subcommittee.

ACTION: Motion by Mayor Martinez-Rubin/Council member Toms to Appoint Council members Murphy and Tave to Serve on the Interview Ad Hoc Subcommittee of the City Council to Interview Members of the Public for the Community Service and TAPS Committees.

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

- C. City Council Committee Reports & Communications

Mayor Pro Tem Salimi reported he had attended a WCCTAC meeting and briefed the Council on the discussions. He had also attended a meeting of the Solano County Transportation Agency at which time he had met the Executive Director and advised of the City of Pinole's willingness to work with the Agency regarding BART's expansion plans. He invited his fellow Councilmembers to engage in the conversation with the rest of Solano County to improve transportation as a group.

Council member Murphy expressed his appreciation for Pride Month and the raising of the Pride Flag in the City of Pinole. He announced a League of California Cities Environmental Policy Committee meeting had been scheduled for June 3 from 1:30 to 4:30 p.m., and detailed the issues to be discussed with more information on the agency website. He would be holding his Coffee Conversation on June 20 at 9:00 a.m. with more information to be provided at the next meeting of the City Council. He also invited everyone to participate in a Zoom conversation scheduled for June 10 at 5:30 p.m. with Commissioner Pedro Toledo of the California Re-Districting Commission and briefed the Council on the topics to be discussed, with additional information on the Commission website, his personal website, and on social media. He wished everyone a Happy Pride Month and Happy Juneteenth.

Council member Tave reported he had also participated in the East Bay Division meeting sponsored by the League of California Cities and briefed the Council on the topics of discussion. He otherwise encouraged the public to engage with the Council and staff, and to review the City's Capital Improvement Plan (CIP) and road repair reports and be sure to raise any issues so that the community's needs were reflected in the CIP. He also reported on the status of COVID-19 restrictions which were due to be relaxed on June 15 and urged the public to be kind and respectful with mask wearing and social distancing.

Council member Tave referenced agenda Item 9A, which effectively closed the Pinole/Hercules WW Treatment Plant out and provided an update on his work and advocacy with the West Contra Costa Integrated Waste Management Authority (WCCIWMA). He also reported the Town Hall for Pinole Fair Government had gone well.

Council member Toms reported she would participate in the June 16 Town Hall for Pinole Fair Government and detailed the topics to be discussed; a presentation had been made on May 19 on Measure X from all Contra Costa County Fire Chiefs and she briefed the Council on the discussions and provided the e-mail contact information for public comments to be submitted to the Measure X Committee; the League of California Cities would meet with the Housing and Economic Development Committee on June 3; and the Pinole Valley High School Parent Teacher Association (PTA) would be holding a vehicle parade for recent graduates between Pinole Valley High School and Fernandez Park starting at 10:00 a.m. on June 4.

D. Council Requests for Future Agenda Items

Mayor Pro Tem Salimi requested a future agenda item to draft a letter and send it to the Measure X Committee in favor of the City of Pinole and identify the points Councilmember Toms had highlighted, to be signed by the entire City Council. He also advised as part of the upcoming Finance Subcommittee meeting he would be making a request for the Brandt Court completion of the cul-de-sac to be part of the CIP. Also, he requested the motion be brought back related to the Letter of Condemnation of former President Donald Trump, with language clarification regarding the use of the term condemnation. He had abstained from voting on the issue two weeks prior and asked that the term condemnation be defined since it had created confusion.

Consensus was given for a letter to be sent to the Measure X Committee to consider making fire services a high priority for the Measure X expenditures (with Commissioner Toms to work with the Fire Chief on potential language, to be considered at the next meeting of the City Council).

City Attorney Casher clarified the ways in which the term condemnation could be used and the way it had been used in the resolution regarding former President Trump.

Mayor Pro Tem Salimi again asked that the Letter of Condemnation of former President Trump be brought back to the City Council for another vote given the clarification that had been provided by the City Attorney since he would like the opportunity to vote again.

City Attorney Casher explained that the City Council may consider a motion to rescind the prior action approving the Letter of Condemnation of former President Trump to allow a Future Agenda Item to consider rescinding the prior action taken and adoption of a new resolution. He also clarified the process for motions to reconsider for the purposes of the discussion.

Consensus was given for a Future Agenda Item Request to bring back the resolution that had approved a Letter of Condemnation of former President Trump.

On the discussion, City Attorney Casher confirmed consensus for a Future Agenda Item to bring back the resolution which had approved a Letter of Condemnation of former President Donald Trump and advised that consideration of a motion to rescind the resolution required a two-thirds vote of the Council. The item would be brought back as a motion to reconsider to include a resolution and the Council would then have the opportunity to discuss the language in the resolution at a subsequent meeting.

Council member Murphy requested a Future Agenda Item to describe the definition of condemnation but Mayor Martinez-Rubin advised that information would be part of the staff report to accompany the resolution.

Council member Murphy requested a Future Agenda Item for a presentation from AC Transit to be scheduled after the budget process. Consensus given.

Council member Tave requested a Future Agenda Item to discuss a strategy for the rehabilitation of bad roads. Consensus given with the item to be considered later in the year.

Council member Tave requested a Future Agenda Item for a memorandum providing further clarity on Measure S 2006, Measure S 2014, and the Utility Users Tax, as to how the monies were collected, what they were collected for, and whether it made sense to have a broader tax, and Mayor Martinez-Rubin suggested consideration of a workshop which could provide an increase in awareness of what taxation and revenues were for cities and allow the public the opportunity to learn and provide input. Consensus given for the process outlined by the Mayor to be scheduled sometime in the next year.

Mayor Martinez-Rubin requested a Future Agenda Item for WestCAT General Manager Charles Anderson to be invited to make a presentation and update on WestCAT concurrent with the presentation on how transportation agencies were meshing with current discussions conducted among the members of the Blue Ribbon Transit and Recovery Task Force. Consensus given.

Mayor Martinez-Rubin requested a Future Agenda Item to have the City Council allow time to have a presentation by the individuals currently proposing a Joint Powers' Agency (JPA) for Wildfire Prevention. Consensus given.

E. City Manager Report / Department Staff

City Manager Murray announced the tentative list of upcoming agenda items at the next City Council meeting scheduled for June 15.

F. City Attorney Report

None

12. ADJOURNMENT to the Regular City Council Meeting of June 15, 2021 in Remembrance of Amber Swartz.

At 10:59 p.m. Mayor Martinez-Rubin adjourned the meeting to the Regular City Council Meeting of June 15, 2021 in Remembrance of Amber Swartz.

Submitted by:



Heather Iopu, CMC
City Clerk

Approved by City Council: August 17, 2021

