

**CITY COUNCIL MEETING  
MINUTES  
April 5, 2022**

**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 Salimi called the Regular Meeting of the City Council to order at 5:01 p.m. and led the Pledge of Allegiance.

**2. LAND ACKNOWLEDGEMENT**

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

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

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

**A. COUNCILMEMBERS PRESENT**

Vincent Salimi, Mayor  
Devin Murphy, Mayor Pro Tem  
Norma Martinez-Rubin, Council Member  
Anthony Tave, Council Member (Zoom teleconference)  
Maureen Toms, Council Member

**B. STAFF PRESENT**

Andrew Murray, City Manager  
Heather Bill, City Clerk  
Alex Mog, Assistant City Attorney  
Chris Wynkoop, Fire Chief  
Lilly Whalen, Community Development Director  
Roxane Stone, Deputy City Clerk

Deputy City Clerk Roxane Stone announced the agenda had been posted on Thursday, March 31, 2022 at 4:00 p.m. with all legally required written notices. Revised staff reports for agenda items 9H and 9J had been published after the agenda. One written comment had been received, distributed to the City Council, and posted to the City website.

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

#### **4. CONVENE TO A CLOSED SESSION**

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

##### **A. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Gov. Code § 54957.6

Agency designated representatives: Human Resources Director Shell, Assistant City Attorney Mog

Unrepresented employee: City Clerk

#### **PUBLIC COMMENTS OPENED**

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

#### **PUBLIC COMMENTS CLOSED**

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

At 6:02 p.m., Mayor Salimi reconvened the meeting into open session and announced there was no reportable action from the Closed Session.

#### **6. CITIZENS TO BE HEARD (Public Comments)**

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

Ivette Ricco, Pinole, Chair, Pinole for Fair Government, commented on the impacts from the pandemic the last two years. Pinole for Fair Government emphasized the importance of engagement and communication as key and essential towards healing and a semblance of normality and made it its mission to bridge the communication gap between residents and local government. In 2019, Pinole Fair Government held its first ever Town Hall at Christ the Lord Episcopal Church and in 2021 held eight virtual Town Halls. Currently, a number of government speakers had been booked for events scheduled for April 23, May 7, May 21, June 11 and July 9, however the venue that had been booked for the events, the Community Playhouse, could not be used for community conversations since the organization was not a theater group.

Pinole for Fair Government was in the process of identifying an alternate venue and the City Manager had allowed the April 23 event to proceed as planned at the Community Playhouse. The remaining dates and venue locations would be announced at a later date.

Rafael Menis, Pinole, referenced the International Plant Protection Convention (IPPC) release of its third report installation and latest review of climate science. He read into the record quotes from The Guardian newspaper about the report and information from the report itself and encouraged the Council to read the report.

Christy Lam-Julian, Pinole, thanked the City Council for the continuation of the hybrid format for City Council meetings. She asked the City Attorney to review Assembly Bill (AB) 1947, Hate Crimes: law enforcement policies, in the hopes the City would be in the forefront on this matter and do right by its citizens. She also asked the City of Pinole to support United Teachers of Richmond (UTR) in its current negotiations with the West Contra Costa Unified School District (WCCUSD), which in her opinion had failed to do its due diligence prior to making decisions to cut funding and eliminate teachers.

## **7. REPORTS & COMMUNICATIONS**

### **A. Mayor Report**

#### **1. Announcements**

None

### **B. Mayoral & Council Appointments**

None

### **C. City Council Committee Reports & Communications**

Council member Toms reported she had virtually attended the East Bay Fire Mitigation group, which had discussed a Joint Powers Authority (JPA) for the East Bay Hills. She detailed a recommendation to expand the membership of the existing Hills Emergency Forum (HEF) with letters to be sent formally to that organization requesting an expansion of the group with communication to all jurisdictions. She reported at this time it did not appear to be feasible for the group to be a JPA.

Mayor Pro Tem Murphy thanked those who had participated in his recent live/Zoom coffee and conversation chat. The next coffee and conversation chat would be held on April 24, 2022 at 9:00 a.m. at East Bay Coffee and information was available on his website with a link for those who would like to join virtually. Also, the next Marin Clean Energy (MCE) Board of Directors meeting was scheduled for April 21 at 7:00 p.m., with more information available on the MCE website. In addition, he invited the public to the monthly food distribution at the Senior Center on April 11 at 9:00 a.m. and he thanked the Recreation Department for this important service to the community.

Council member Martinez-Rubin reported she had attended the West Contra Costa Transportation Advisory Committee (WCCTAC) meeting on March 25 and briefed the Council on updates from Contra Costa County on its transportation plans. The Contra Costa Transportation Authority (CCTA) would hold workshops on the planned updates with information on the CCTA website. She also announced National Public Health Week April 4 – April 10, 2022, and briefed the Council on the various programs offered with information on the Contra Costa County Public Health website. She wished everyone a Happy Spring.

### **D. Council Requests for Future Agenda Items**

Council member Martinez-Rubin requested a future agenda item for the City Council to consider and discuss a resolution in support of the League of California Cities opposition to a proposition aimed for the November 2022 ballot, identified as Initiative #AG 21-0042A1, the Taxpayer Protection and Government Accountability Act. Consensus given.

#### PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, requested a future agenda item for the City Council to discuss a potential resolution or proclamation in support of Ukraine.

Cordell Hindler, Richmond, requested a future agenda item for the City Council to invite Sabrina Landreth, General Manager, East Bay Regional Park District (EBRPD) to provide an update on how COVID-19 had impacted parks in the Bay Area, and to also invite Richmond Promise Executive Director Christopher Whitmore to provide a presentation.

Irma Ruport, Pinole, requested a future agenda item for the City to bring back Neighborhood Watch Groups and for the Fire and Police Chiefs to consider public workshops to allow the public the opportunity to speak with them informally given the many issues in the community.

#### PUBLIC COMMENTS CLOSED

Council member Toms suggested the request for Neighborhood Watch Groups could be folded into the quarterly report from the Police Chief. She asked of Council interest for a resolution for Ukraine and suggested the requests for presentations could be made through invitations issued to those individuals.

Mayor Salimi advised there was Council consensus for a proclamation for Ukraine.

#### E. City Manager Report / Department Staff

City Manager Andrew Murray reported the Easter Egg Hunt would be held on Saturday, April 9, 2022 at 10:00 a.m. at Fernandez Park. He also provided a preview of potential agenda items for the April 19, 2022 regular City Council meeting.

#### F. City Attorney Report

None

### 8. RECOGNITIONS / PRESENTATIONS / COMMUNITY ANNOUNCEMENTS

None

### 9. CONSENT CALENDAR

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

- A. Approve the Minutes of the March 15, 2022 Regular Meeting and the March 22, 2022 Special Meeting.
- B. Receive the March 12, 2022 – April 1, 2022 List of Warrants in the Amount of \$1,635,243.60, the March 18, 2022 Payroll in the Amount of \$497,824.38, and the April 1, 2022 Payroll in the Amount of \$502,369.08
- C. Resolution Continuing Authorized Remote Teleconference Meetings Pursuant to AB 361 **[Action: Adopt Resolution per Staff Recommendation (Casher)]**
- D. Activities of the Public Works Department Operations and Maintenance Division **[Action: Receive and File Report (Mishra)]**
- E. Status of Building Permit Process **[Action: Receive and File Report (Whalen)]**
- F. Consulting Services Agreement for Informational Outreach and Ballot Measure Coordination for Potential November 2022 Ballot Measure **[Action: Adopt Resolution per Staff Recommendation (Murray)]**
- G. Resolution Authorizing the City Manager to Enter into a Services Agreement with Fire Recovery USA, LLC **[Action: Adopt Resolution per Staff Recommendation (Wynkoop)]**
- H. Authorize the City Manager to Execute a Settlement Agreement Between the City of Pinole and The Pinole Police Employees Associations **[Action: Adopt Resolution per Staff Recommendation (Shell)]**
- I. Ordinance Amending Chapter 9.24 of the Municipal Code to Regulate the Use and Sale of Fireworks in the City of Pinole **[Action: Adopt Ordinance on Second Reading (Casher)]**
- J. Approve a Disposition and Development Agreement Between the City of Pinole and Grp Shores, LLC for the Development of Property Located at 850 San Pablo Avenue Known as Pinole Shores 2 **[Action: Adopt Resolution per Staff Recommendation (Mishra)]**

Council members requested the following items be removed from the Consent Calendar for discussion: Items 9E, 9F, and 9G.

#### PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, referenced Item 9D, Page 74 of the agenda packet and the discussion about wastewater versus stormwater collection systems. He recalled a significant amount of the increased inflow by the City of Pinole into the Wastewater Treatment Plant over the rainy season had been due to infiltration from the stormwater system. He asked whether or not there was an inspection process/conditions assessment planned for the stormwater collection system.

As to Item 9E, Mr. Menis applauded the City for the establishment of Solar Tuesdays, but noted the City's tracking system had not been updated since 2015. As to the adoption of Solar App

Plus, the Department of Energy's automated solar permitting, he commented the federal government had pushed for the adoption of this system in 2021, and questioned why that had not been done at that time. He also asked for clarification on the cost implications of various classification changes as shown in the staff report for the same item. As to item 9F, he asked for clarification of the consultants fixed fee per month for April through November 2022, as shown in the staff report for the item as compared to the scope of services.

Peter Murray, Pinole, referenced Item 9F and his hope no misleading information would be included in any language to be distributed to the community as part of any potential ballot measure and that the content of any questions would be focused on what the community could tolerate. He also recalled the City had used the same consultant for services for another project, although the consultant had taken a stand not to complete the contract. He asked the City Council to ask the consultant, if present, to provide an explanation.

Cordell Hindler, Richmond, referenced Item 9A and questioned the adjournment time for the March 15, 2022 meeting. He suggested the public should hear items first prior to a Council vote. As to item 9C, he hoped the hybrid meeting function would continue to be maintained in the future.

Irma Ruport, Pinole, spoke to Item 9F, stated she had submitted written comments to the City Council and also referenced the fact the consultant had been used in the past, had not satisfactorily completed the scope of work, and had been released from the contract but had still been paid for services. She urged the City Council to be cautious, review past issues, and rather than take action now consider another consultant and not repeat past mistakes.

Council member Tave commented with respect to Item 9E that the City had experienced issues with backlogs of building permits during the pandemic. He thanked staff for the information on the tracking software to improve efficiencies, the increase in staffing, and the fact that lessons learned during the pandemic were being carried forward. He also thanked staff for recognizing that and improving the process.

#### **PUBLIC COMMENTS CLOSED**

**ACTION: Motion by Mayor Salimi/Council member Martinez-Rubin to Approve Consent Calendar Items 9A, 9B, 9C, 9D, 9H, 9I and 9J, as shown.**

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

#### **E. Status of Building Permit Process [Action: Receive and File Report (Whalen)]**

City Manager Murray acknowledged the City's tracking system had not been updated since 2015 but was in the process of being updated, and that much of the City's infrastructure was out of date. At the next City Council meeting, he hoped to obtain City Council approval to approve a contract to update the tracking system.

City Manager Murray also explained that in 2021 when Solar App Plus had been rolled out, the City was in the midst of an organizational/staffing transition. With new staff on board, many issues with the permitting process had been addressed and updates to the City's Information Technology (IT) systems were under way. Once the tracking system was up and running efficiencies would continue to improve.

Community Development Director Lilly Whalen added that reclassifications of some staff would be presented as part of the upcoming budget.

Mayor Pro Tem Murphy acknowledged the extent of community input about the permit backlogs during the pandemic. He commended the City Manager and Community Development Director and their teams for a phenomenal job to address the issues, and to the public for its input. He liked the new programs being considered and the improvements for increased efficiencies. He emphasized the importance of the staff report and asked how the public would be made aware of such important information.

Community Development Director Whalen suggested the public would be educated through good messaging on the City website and at the Planning Department counter, and through handouts and self-service permitting online. She also hoped to implement a dashboard system for the public to see how improvements were being made to the processing of permits in a timely manner in the future.

Council member Martinez-Rubin also appreciated the written staff report and the ability for those who were non-technical to understand the process. She suggested that flow charts would also be beneficial to those drawn to the visual narrative and the way a permit was obtained from desk staff to the desired permit type would be beneficial. The flow chart should also include the expected and anticipated time between one step and the next, and the identification of when gaps in communication may occur which would be instructive to the public.

**ACTION: Motion by Council member Toms/Mayor Pro Tem Murphy to Approve the Status of Building Permit Process.**

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

- G. Resolution Authorizing the City Manager to Enter into a Services Agreement with Fire Recovery USA, LLC **[Action: Adopt Resolution per Staff Recommendation (Wynkoop)]**

Council member Toms reported she had received written comments from a resident unable to attend the meeting who had inquired who was paid during freeway accidents when two trucks responded and trucks remained on-site but no aid was given. She reported she had also shared these questions with the Fire Chief.

Fire Chief Chris Wynkoop clarified that Fire Recovery USA, LLC billed on behalf of the client/agency and any response from a client/agency would be billed. The City of Pinole, as a client/agency, and regardless of the number and sequence of apparatus, the company would be billed on the City's behalf. He clarified if an apparatus remained on-site and no aid was given, the company was only billed as long as aid was given. There were very few circumstances where the trucks would remain on the scene and no aid would be given. The most common billing occurrence was assessing and stabilizing the scene, which was a billable incident. The only situation where no aid would be given would be if Hercules/Rodeo arrived on-scene, as an example, and stated they needed no further aid and the trucks would then simply drive by. As long as the trucks were on- or remained on-scene they were assessing and stabilizing the scene. Also, the company as the billing entity would bill and then remit to the City 78 percent and keep the remaining 22 percent and would not be paid unless the claim was paid.

**ACTION: Motion by Council member Toms/Mayor Pro Tem Murphy to adopt a Resolution Authorizing the City Manager to Enter into a Services Agreement with Fire Recovery USA, LLC.**

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

F. Consulting Services Agreement for Informational Outreach and Ballot Measure Coordination for Potential November 2022 Ballot Measure **[Action: Adopt Resolution per Staff Recommendation (Murray)]**

City Manager Murray confirmed the consultant Lew Edwards Group (LEG) was not present. He clarified LEG had been hired to work with the City on Measure S in 2006 and on the Utility Tax (UT) extension in 2012. Oftentimes the work was done in two different phases, the pre-placement phase work leading up to whether a measure should be placed on a ballot, and the post-placement phase after a City Council decided to place a measure on the ballot, with communication and engagement to occur after that.

City Manager Murray stated that based on his understanding, LEG had completed its work on the UT in 2012 up to the pre-placement phase, and had been paid for that work and not for any work not completed. He found no information in the record that the City was not satisfied with LEG. Subsequently, the City Council had decided to go in-house for the work for cost savings reasons and for the post-placement community engagement and that using City staff was a natural breaking point for the consultant.

Staff was fully aware of the City's past engagement with LEG. LEG had been forthcoming with its past engagement and its monthly retainer was competitive for the type of services offered and for a city the size of Pinole. LEG was among the state's leading experts in this area and was familiar with the community given its past work with the City of Pinole. Staff had not seen anything unusual in the record and again LEG had the experience and had submitted a competitive proposal, which why staff had recommended LEG for the work as described for Item 9F and as outlined in the April 5, 2022 staff report.



City Manager Murray explained if at any point the City Council decided it did not want to use LEG and preferred to work in-house or consider using other resources that could be done.

Council member Toms clarified with the City Manager if for any reason after receiving the results of the survey the City Council made a decision not to move forward with a ballot measure that would be a milestone point in which to terminate the contract with LEG, and the City Council may terminate the contract at any point in time even if not reaching the pre-placement phase.

In response to Council member Tave, City Manager Murray clarified the oversight involved with the consultant's work and the fact that Pinole had Professional Services Agreements with multiple firms for different deliverables, with the City Manager's Office working in close coordination with the City Attorney's Office. One of the consultant's responsibilities would be to advise on the ballot measure language and legal requirements. LEG had legal background and there were standard procedures to evaluate the deliverables. As with all Professional Services Agreements, if at some point the City was not receiving a deliverable that was satisfactory, steps could be taken as allowed in the Agreement that required re-work or possible termination. He reiterated he had seen nothing in the record to indicate any concern about the quality of LEG's work.

Council member Martinez-Rubin also clarified with the City Manager the milestones and the proposed scope of work as included in the staff report, with the scope to depend on what the City decided to move forward with in terms of the education/engagement process.

Council member Martinez-Rubin sought an outline of the tangibles that may result from the process, such as outcomes of coordination with City staff, who would receive the message training, what would be left to the City to use and build upon for future comparable work, questions on how well the City was doing with the training, a resource list of past practices regarding messaging or media coverage, training or presentations to the City Council and the result of that coordination and discussions with staff, among others.

City Manager Murray expressed the willingness to ask LEG to provide a scope with more details on the deliverables, but it had not been a consistent practice and the scope of services was not that different from what a different consultant had delivered for the Communication and Engagement Plan and Economic Development Strategy. The intent was to capture the value as much as possible of the work the consultant was doing so that staff may document what was learned and use it in the future.

As to whether an audit of all recent city issues as part of the scope of services could be included, City Manager Murray clarified that could be another area where LEG could be asked to provide more details. He understood that was part of the operation of submitting the Request for Proposal (RFP) and given LEG's past work and familiarity with Pinole it was aware of recent issues and had dialogue about various civic matters. He also clarified the City's designated Public Opinion Research Professional was FM3, the other consulting firm that LEG would be working with as part of its RFP and which would be conducting the polling.

**ACTION: Motion by Council member Tave/Mayor Pro Tem Murphy to approve a Consulting Services Agreement for Informational Outreach and Ballot Measure Coordination for Potential November 2022 Ballot Measure.**

**Vote:            Passed            5-0**

**Ayes:** Salimi, Murphy, Martinez-Rubin, Tave, Toms  
**Noes:** None  
**Abstain:** None  
**Absent:** None

#### **10. PUBLIC HEARINGS**

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

None

#### **11. OLD BUSINESS**

None

#### **12. NEW BUSINESS**

- A. Letter of Support for Assembly Bill 1944 **[Action: Receive Report and Consider Approval of Letter per Staff Recommendation (Casher)]**

Assistant City Attorney Alex Mog presented the staff report and recommended the City Council consider issuing a Letter of Support for Assembly Bill (AB) 1944.

Responding to the Council, Mr. Mog again clarified the requirements of AB 1944, which was only a requirement if a Councilmember was participating remotely through electronic means and those same electronic means would have to be made available to the public. Even if the legislation did not pass the City Council may consider the option of allowing members of the public to participate remotely. If the City Council approved the item, a basic letter for the Mayor's signature would be prepared to be sent to the City's representative in the Assembly and Senate.

Mayor Pro Tem Murphy suggested all letters of support be signed by the entire City Council. Given no letter of support had been included in the staff report, he suggested the item be tabled to a future date.

City Manager Murray agreed the item should be tabled given the status of the bill was currently pending and with the item to return to the City Council with a draft letter of support.

City Clerk Heather Bell suggested rather than continue the item it could be brought back as a Consent Calendar item reflecting the Council's direction.

Assistant City Attorney Mog stated, when asked by the Mayor Pro Tem whether AB 1944 was the only legislation surrounding Brown Act reform, that he was aware of another piece of legislation but was uncertain what stood the best chance of succeeding.

City Clerk Bell reported she would be attending the Annual City Clerk's Association Conference and there would be a lot of information sharing. She could bring back any updates on pending legislation.

Assistant City Attorney Mog again clarified the impetus for AB 1944 as outlined in the staff report. If the City Council desired, it could continue hybrid meetings even if all Council members were present, which was available under the current law. AB 1944 was about Council member participation in public meetings. The City was currently conducting hybrid meetings through AB 361, and through the adoption of a resolution with certain findings. AB 361 would sunset in 2024 or January 1, 2025. If passed by state legislators, AB 1944 would be a permanent change to the Brown Act.

#### PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, suggested that AB 1944 was a good idea, a simple law, and beneficial. He read the legislation into the record and explained that AB 1944 would codify the hybrid meeting option and a streamed method for viewing the meeting. He urged the City Council in due course to issue a letter in support of AB 1944.

#### PUBLIC COMMENTS CLOSED

**ACTION: Motion by Mayor Pro Tem Murphy/Council member Toms to continue a request for a Letter of Support for Assembly Bill 1944 to the City Council meeting of April 19, 2022.**

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

- B. Consideration of a Letter of Support for United Steelworkers Contract at Chevron Richmond Refinery **[Action: Receive Report and Consider Approval of Letter per Staff Recommendation (Whalen)]**

Community Development Director Whalen presented the staff report and asked the City Council to consider sending a letter of support for the United Steelworkers (USW) Local 5 members employed at the Chevron Refinery in Richmond regarding a labor contract.

Responding to the Council, Community Development Director Whalen and City Manager Murray were unaware of the number of Pinole residents who were members of USW Local 5 and staff had not engaged with the City of Richmond regarding Pinole's potential endorsement of a letter of support for USW Local 5.

#### PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, supported the City Council's endorsement of a letter of support for USW Local 5. He suggested Chevron could afford to provide a cost of living increase to USW Local 5 members, and suggested bringing in scabs while breaking off labor negotiations was unfortunate and should have been avoided.

#### PUBLIC COMMENTS CLOSED

Council member Toms stated she would have cautioned the City Council becoming involved in labor negotiations, although she suggested there was a nexus to having the USW Local 5 contract settled in terms of public safety. She recommended the following statement be added to the letter shown in Attachment A to the April 5 staff report:

*Industrial facilities near Pinole, including Chevron Richmond Refinery, pose a significant health and safety risk to the population and also the environment due to the nature of the business. The risk is reduced with a highly trained work force. When employees trained to operate the facility in a safe manner are replaced with untrained and temporary workers the risk of a significant incident is multiplied. For the health and safety of the community and the environment we strongly urge Chevron to settle the labor dispute with the refinery workers.*

Council member Toms reported she had family members on the picket line, had run the statement by them for their thoughts, and there had been support. She had also run the additional statement by the City Manager.

Council member Martinez-Rubin explained that unions offered an opportunity for the work force to be trained adequately and uphold occupational standards for health and safety. She strongly supported the additional statement as read into the record.

Mayor Pro Tem Murphy also supported the additional statement to the letter and was thankful that Council member Toms had worked with people on the ground. He emphasized that environmental health was a priority and fair labor practices and fair wages were needed, particularly during the pandemic.

Council member Tave agreed with the additional statement, although he suggested that both parties, Chevron Refinery and USW Local 5 should get back to the table to negotiate and possibly the letter could be amended further to reflect that sentiment.

Council member Toms agreed that additional editing be considered to encourage both parties to come together.

The last sentence of the letter contained in Attachment A was amended as follows:

*The Pinole City Council strongly urges both parties to agree to a fair labor contract with USW Local 5.*

Mayor Pro Tem Murphy also requested an additional amendment to the CC as shown on the bottom of the letter to read:

CC: Pinole City Councilmembers Martinez-Rubin, Tave, Toms, Mayor Pro Tem Murphy, Mayor Salimi  
Andrew Murray, Pinole City Manager  
Mike Smith, Chair, United Steelworkers National Oil Bargaining Program  
United Steelworkers Local 5 Union

There was City Council consensus to accept all revisions to the letter of support.

**ACTION: Motion by Council member Toms/Mayor Pro Tem Murphy to approve a Letter of Support for United Steelworkers Contract at Chevron Richmond Refinery, as modified.**

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

- C.     Receive Draft Information Technology Plan ("IT Plan") and Recommend Changes, If Any, to be Incorporated into Final IT Plan **[Action: Receive Report and Provide Direction (Murray)]**

City Manager Murray introduced the item as part of the Five-Year Strategic Plan which had outlined 22 individual projects the City Council wanted staff to complete to achieve the goals of the Plan, which included an Information Technology Plan ("IT Plan").

Kosta Paskos, CEO Precision IT Consulting, provided a PowerPoint presentation of the Draft Information Technology Plan for Fiscal Year (FY) 2021-2026, which included an overview of the Five-Year IT Plan as part of the City Council's adopted Five-Year Strategic Plan for 2020-2025 which identified the vision, mission and goals of the City. He highlighted the IT Plan components including IT management, IT planning and budgeting, IT infrastructure, software applications, electronic devices managed by City Departments, recent IT accomplishments and future IT projects.

Mr. Paskos explained that staff would incorporate input provided by the Council into a Final IT Plan that would be published later this fiscal year and would also conduct one more review and refresh the future projects list to ensure that the list was complete.

Responding to the Mayor Pro Tem, Mr. Paskos clarified the fiber optic upgrades and explained there was little documentation/information when the equipment had been installed 25-years ago. The current system involved old technology and the connected speeds between sites was very slow. The intent was to gather as much information as possible to evaluate and test the system in order to prepare a plan for replacement with current and better technology.

City Manager Murray described the reactive approach to IT maintenance in the past due to fiscal constraints and the Great Recession. This effort was the first long-term planning assessment of existing infrastructure. Many of the improvements could be accomplished separate from the Capital Improvement Plan (CIP). As an example, partial fiber optic upgrades from the Pinole-Hercules Wastewater Treatment Plant and underneath the railroad crossing at Tennant Avenue had been done but not upgrades along Tennant Avenue itself. The City would need to repave Tennant Avenue as part of the close out of the Hercules Wastewater Treatment Plant Upgrade Project and it would be a good time to also conduct dry utilities such as the Internet. Also, the Municipal Development Consultant was looking at broadband as an economic development strategy and there were multiple efforts ongoing at the same time. The completion of the Final IT Plan would allow for cross integration with other plans underway.

City Manager Murray confirmed that cost savings as part of the IT Plan would be reflected in the budget in the future and he expected with the implementation of the City's new phone system, as

an example, it would reduce the number of phone lines affording the City significant cost savings. There were other efficiencies as part of IT improvements that would also result in costs savings for the City. He added that existing and new staff were technology forward and there was a desire amongst staff to make better use of IT tools. Required training would be provided and the City's service model for IT was being evaluated.

One of the recommendations from the IT Plan was to have more than one Precision Consulting person on-site with funding to come from cost recovery from all City Departments and funds. Staff was again researching potential realignment to determine the right IT service model and there may be proposed changes over the next few years.

City Manager Murray commented that if the Town Council moved forward with the Draft IT Plan, ideally all of the plans and individual components would be integrated into the City's budget, and every year they should be able to identify what was planned for each City Department for each fiscal year and at the end of the fiscal year include a recap. The IT Division budget should identify the projects to be considered each year.

In terms of improvements to the City's website and in response to Council member Martinez-Rubin, City Manager Murray advised the City website was not the responsibility of Precision IT Consulting. A total refresh of the City website had occurred in 2019, and by some standards it was modern but he expected the forthcoming Communication and Engagement Plan would include recommendations for updating the City website and any IT recommendations as part of that Plan would be part of the Final IT Plan.

City Manager Murray also explained that Electronic Traffic Control Devices would not be managed by the IT Division but managed and maintained by the County on the City's behalf, and be outside the scope of this project in that it would actually be a CIP project. Electronic Traffic Control Devices, while not IT equipment, must be integrated by a fiber background requiring some coordination. A footnote or toehold could be included in the Draft IT Plan to reference and highlight that issue.

Council member Toms commented it would be important for authentication of VPN programs for the security of the system. Voice-over Internet phones/soft phones would be useful especially if staff continued to work off-site. She asked whether some of the items could be separated and funded through the American Rescue Plan Act (ARPA) since not all ARPA funds had been allocated, which would be a good discussion to have prior to the budget discussion. She understood some of the IT projects had a nexus to the types of projects that could be funded through ARPA.

City Manager Murray commented that some of the projects had already been funded, such as the voice-over IP phone system upgrade. The two-factor authentication was not inexpensive, with the hurdle being user adoption which was critical for security. The Finance Director would be tasked with determining what buckets could be used to fund what projects, to be sorted through the budget process.

Mr. Paskos clarified in response to Council member Tave that whomever was tasked with installing fiber optics in the City could be asked to repair or evaluate the City's fiber network as well and there could be some cost savings to add something into the ultimate program. He was uncertain whether ARPA funds could be used for that effort and commented that ultimately the

City would want to keep those networks (broadband and fiber optics) isolated and separated physically.

City Manager Murray also clarified in response to the Mayor that the new Public Works Director used his personal license to do AutoCAD work since City staff had done limited in-house design and he would leave it to the Public Works Director if other software was needed. Staff was aware of a prior City Council request for the use of Gantt Charts for Public Works Department quarterly reports, but he was uncertain whether Microsoft Suite was used by the Public Works Department. If the software was needed, he was confident it would be requested by staff. In addition, the City Clerk's Department used DocuSign software and requests for additional staffing would be part of the upcoming budget proposal for the next fiscal year.

Mayor Salimi suggested consideration of a better system than the use of a generator at City Hall for backup power and suggested Pinole TV should be updated since it was using old software.

City Manager Murray reiterated that staff was working on the budget for all departments with budget requests to be presented to the City Council at a future meeting.

#### **PUBLIC COMMENTS OPENED**

Rafael Menis, Pinole, identified the projects anticipated for this fiscal year as outlined on page 306 of the agenda packet. He asked whether the PowerPoint presentation could be uploaded on the City website since some of the information provided had not been included in the staff report. He asked that there be consideration of solar and battery backups for City Hall rather than a generator for backup power. He also cited the replacement of the Senior Center Alarm System as one of the IT projects, agreed it should be a high priority and was pleased it had been flagged. The staff report also had information on updates to the City's website and at such time as when the City commenced with updates to the website he asked that there be consideration of making it more multilingual given that a large percentage of Pinole was non-English speaking.

Mr. Menis also understood the cloud server was on a six-year cycle as compared to other servers and he asked why there was a difference and questioned whether the cloud server was redundant.

Cordell Hindler, Richmond, thanked staff for the informative presentation. He agreed the Senior Center needed a lot of work, was outdated since the 1990s, and was pleased it had been prioritized for IT upgrades. He agreed the City website should be multilingual to benefit all Pinole residents.

Tony Gutierrez, Pinole, found the City's current fiber optic speeds were too slow. He asked whether or not there were future rollout plans for fiber by AT&T and commented when a fiber optic network was installed it included a lot of dark fiber that could be an option for the City. In the interim, he asked of the maximum speeds for the co-axial system that currently existed.

#### **PUBLIC COMMENTS CLOSED**

City Manager Murray clarified in response to the public comments that battery backups should be added as a future project such as updates that were needed for the Emergency Operations Plan (EOP). He reported that similar efforts were being made to update all facilities for energy

conservation/generation/storage with an IT component and which could be added to future projects. He also informed the public there was a Google translate function on the current City website that had been reactivated as part of the Community and Engagement Plan and accessibility for people who required special accommodation to use the website still needed to be implemented. The City website required an accessibility audit related to the Americans with Disabilities Act (ADA).

Mr. Paskos added that servers typically included a five-year warranty and may be extended to six years but he would have to review the exact equipment.

City Manager Murray also clarified that AT&T's fiber optics plans were not part of the IT services nor part of the scope of services for the IT Plan but was an economic development, capital project. The economic development consultants had been tasked at looking at broadband as an economic municipal development tool and staff would be looking at any recommendations worth further exploration.

Sam Calicura, Virtual Chief Innovation Officer, Precision IT Consulting, clarified that any upgrades would involve multimode fiber but he did not have more detail on the fiber infrastructure at this time.

Mayor Pro Tem Murphy loved the IT Plan and thanked staff for its prioritization. He wanted to see quarterly reports on the status of the IT Plan recognizing it was a long-term plan, but it would be helpful to understand what was happening given the recognition that technology was ever-changing. He suggested the IT Plan was missing a value statement in terms of understanding the approach to improve the City's IT systems, such as simplicity, meeting people where they were, investing in solutions and building public trust in tech and data, staff trust, immersive in the sense of multifactor authentication, upgrading new email systems and why IT was important should be factored into a value statement in the IT Plan. He also suggested the idea of open source data to increase the understanding of the community's sentiment would be important as the IT system was build out in the next five years.

Mayor Pro Tem Murphy pointed out that with the reopening of Fire Station No. 74 as a public building, it had no emerging systems of tech and he suggested that should also be discussed around the Youth and Swim Centers and engage youth and seniors in this conversation. He wanted to increase the understanding of the community sentiment with the IT Plan and build public trust in tech and in the City's data and information. He suggested there was also a secondary part around staff and wanted to bridge the divides. Also, he wanted more information on how education and training would be incorporated into the IT Plan and suggested it would be valuable to set objectives and outcomes around that internal and external to the City. He suggested a glossary (dictionary) of information on the terms around this topic would be critical to build a simple, inclusive, equitable and open source for a data smart city. He looked forward to future discussions to see the IT Plan actualized.

Council member Martinez-Rubin commented that when the City Council reached the budget process she would be questioning why they were suggesting certain things given all of the investment they wanted to make. She was unsure what would yield involvement from the community and recognized that a lack of interest from the community may mean there was a lack of means to participate for whatever reason. She was uncertain how open source data would work, and how open source data would work with the public and future City operations.



Council member Toms suggested the IT Plan would implement improvements to make staff be more efficient, employ the best use of time, be able to answer phones while working remotely and improve security of the City's systems. She suggested the IT Plan would accomplish that and while some of the items should be implemented in a more compressed time period, if the use of ARPA funds would help to achieve that it would be something to consider through the budget process. If the use of ARPA funds was possible in the next few fiscal years, the City may be able to accelerate the implementation of those items. She was prepared to approve the Draft IT Plan.

Council member Tave agreed it was time to move forward with the Draft IT Plan. He recognized that any deferred maintenance impacted the public. He concurred with Council member Toms that the efforts to proceed with IT improvements should be accelerated as much as possible.

Mayor Salimi thanked everyone for the report and presentation. He supported moving forward to accept the IT Plan and he clarified with the Assistant City Attorney that no action was requested other than for the City Council to receive the report.

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

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

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

Cordell Hindler, Richmond, expressed concern with the length of City Council meetings and referenced the Richmond City Council Procedures which included time constraints for each agenda item which he suggested the Pinole City Council consider. He also commented that a prior meeting agenda included a Consent Calendar item related to management pay, and he urged consideration of a Class and Compensation Study to be part of the budget discussions. In addition, he had been unable to thank former Assistant City Manager Hector De La Rosa for all of his hard work in a position that was very important. He otherwise suggested if the public was limited to three minutes for public comment, the City Council should follow the same rules when speaking on agenda items.

Tony Vossbrink, Pinole, expressed disappointment the City Council had not discussed a recent shooting incident at Pinole Valley Lanes parking lot. He also referenced other criminal incidents in the community which the City Council should address as a public health and safety issue. He suggested the bowling alley had been targeted for criminal activities and expressed concern that crime was increasing in Pinole. He recommended more security cameras on the freeway exits/on-ramps and in local shopping centers to improve security in the community.

Mayor Salimi stated that Pinole was a safe community and the incident on March 27, 2022 was not a reflection of the City of Pinole but the society in which we all lived. The City Council had been made aware of the March 27 incident, he had subsequently met with the City Manager, Police Chief and the victim of the incident, and the investigation was ongoing. He was confident that those responsible would be apprehended.

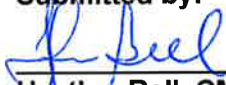
Mayor Salimi added that the City Council was aware of the time limitations and did its best during City Council meetings; a pay study for management and non-management personnel had been prepared in 2021; and there would be an Assistant to the City Manager soon.

Tony Gutierrez, Pinole, explained that he and his family had been rooted in Pinole since 1982. He recognized changes had occurred in the community as they had in other communities in the Bay Area.

**14. ADJOURNMENT** to the Regular City Council Meeting of April 19, 2022 in Remembrance of Amber Swartz.

At 9:18 p.m., Mayor Salimi adjourned the meeting to the Special City Council Meeting of April 19, 2022 in Remembrance of Amber Swartz.

Submitted by:



Heather Bell, CMC  
City Clerk

Approved by City Council:

