

**2CITY COUNCIL MEETING
MINUTES
April 4, 2023**

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

The City Council Meeting was held in a hybrid format (in-person and via Zoom videoconference and broadcast) from the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Murphy called the Regular Meeting of the City Council to order at 5:01 p.m. and led the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT

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

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

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

A. COUNCILMEMBERS PRESENT

Devin Murphy, Mayor
Maureen Toms, Mayor Pro Tem
Norma Martinez-Rubin, Council Member
Cameron Sasai, Council Member
Anthony Tave, Council Member

B. STAFF PRESENT

Chris Wynkoop, Acting City Manager/Fire Chief
Heather Bell, City Clerk
Eric Casher, City Attorney
Lilly Whalen, Community Development Director
David Hanham, Planning Manager
Jeremy Rogers, Community Services Director
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on Thursday, March 30, 2023 at 2:00 p.m. with all legally required written notices. Written comments had been received in advance of the meeting and had been distributed to the City Council and staff, posted on the City website and made available in the Council Chambers.

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

4. CONVENE TO A CLOSED SESSION

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

CONFERENCE WITH LABOR NEGOTIATORS

Gov. Code § 54957.6

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

Employee Organizations: Pinole Police Employees Association (PPEA), AFSCME, Local 1, Local 512

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

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

At 6:01 p.m., Mayor Murphy reconvened the meeting into open session and announced there was no reportable action from the Closed Session.

Mayor Murphy modified the meeting agenda and moved onto Item 8 B(1) at this time.

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

B. Presentations

1. Pinole/Con Fire Transfer of Command Recognition Ceremony

Contra Costa County Fire Protection District (CCCFPD) Deputy Chief Brian Helmick described the transfer of command process from one Fire Chief to another and introduced Acting City Manager/Fire Chief Chris Wynkoop.

Acting City Manager/Fire Chief Chris Wynkoop stated it had been an honor and privilege to serve the City of Pinole, lead the Pinole Fire Department over the past three years and build on its tradition through the integration with the CCCFPD. Through that process there would be a more robust fire service model than had ever been provided to Pinole citizens under the leadership of CCCFPD Fire Chief Lewis Broschard with the transfer of command of the Pinole Fire Department to the CCCFPD.

The formal transfer of command between the Pinole Fire Department and the CCCFPD was conducted at this time.

CCCFPD Fire Chief Lewis Broschard commented on the quick and efficient ratification and approval of the contract to transfer command from the Pinole Fire Department to the CCCFPD, which effort involved numerous individuals and agencies. While he had previously shared his thoughts during the reopening ceremony of Fire Station 74, he again thanked and congratulated his colleague Fire Chief Wynkoop and wished him a long and happy retirement.

CCCYPD Fire Chief Lewis Broschard was honored to lead an excellent fire district with amazing people doing incredible work on a daily basis to serve and protect the public in a variety of roles and responsibilities. The CCCYPD would bring its collective experience, resources and passion to serve the City of Pinole, work hard to build and maintain the trust of the City and its citizens and provide the same level of distinction and professionalism provided to their entire service area. He thanked the City of Pinole for its trust in the CCCYPD and he looked forward to serving the City of Pinole with distinction, honor and professionalism.

Contra Costa County Board of Supervisors District 1 John Gioia acknowledged the team effort between the City of Pinole, CCCYPD and many others including Pinole voters who voted to tax themselves in the midst of a pandemic to fund increased fire and emergency medical services. He recognized the City Council, City staff, County staff, County Fire Chiefs, the Board of Supervisors (BOS) and in particular Pinole Fire Chief Wynkoop, who he commended for his agreement to negotiate a new partnership which had ultimately transitioned him out of his job and whose leadership should be recognized.

Supervisor Gioia also recognized Vincent Wells, Union President, United Professional Firefighters of Contra Costa County, Local 1230, for his advocacy for the consolidation and greater partnerships between fire agencies to achieve economies of scale and better service for residents. This cooperation resulted ultimately in better service for residents and he looked forward to other partnerships between the City of Pinole and the County. He further recognized CCCYPD Fire Chief Broschard for his leadership, all firefighters in the CCCYPD and welcomed all Pinole firefighters into the CCCYPD.

Vincent Wells, Union President, United Professional Firefighters of Contra Costa County, Local 1230, thanked the two Fire Chiefs for the willingness to put a plan together that made this partnership possible. He also thanked Supervisor Gioia for his work on Measure X and all CCCYPD and Pinole firefighters. On behalf of Local 1230, he welcomed Pinole firefighters into the CCCYPD.

Mayor Murphy thanked both Fire Chief Wynkoop and CCCYPD Fire Chief Broschard for their service, thanked all firefighters for their honest work ethic, leadership and willingness to be part of the community and looked forward to the future partnership between the City of Pinole and the CCCYPD.

Council member Martinez-Rubin recognized all of the firefighters for their service to the community and she wished them good health, sanity and good humor in spite of all they may encounter as part of their service to the community. She also thanked everyone who had helped to fund this partnership.

Council member Sasai also thanked everyone for their service and all of the hard work which had led to this partnership and history being made.

Mayor Pro Tem Toms echoed the comments made including recognizing the voters who supported the passage of Measure X, County Fire Chiefs for creating the plan presented to the Measure X Committee, Measure X Committee members for their recommendations on the distribution of Measure X funds and the County Fire Board for approving their side of the partnership. She looked forward to sustaining this partnership into the future.

Council member Tave also echoed the comments and was thankful for the sacrifices firefighters had made to serve the community. He stated the City was coming out of the pandemic with this agreement and service model which he suggested would be great for Pinole citizens. Pinole firefighters had been and would continue to be resilient, trustworthy, honest, professional, and transparent and provide expertise in leadership as part of the CCCFPD. He too thanked Fire Chief Wynkoop for his leadership as part of the process. He was confident the CCCFPD would continue to be as good to Pinole citizens as the Pinole Fire Department had been. He looked forward to growing the relationship and ensuring it was sustainable into the future. He again thanked everyone involved in the effort for this partnership on every level.

Mayor Murphy spoke to the values of resiliency, integrity and professionalism and again thanked everyone involved in this model of partnership, the voters of Pinole and across Contra Costa County willing to tax themselves for the betterment of the community, and everyone for their humility and leadership and those who worked to build emergency services for the community centered around resiliency. He was confident the partnership with the CCCFPD would succeed and grow. He again thanked Fire Chief Wynkoop for his leadership and for setting the tone.

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, suggested Fire Chief Wynkoop's team had done a wonderful job and he applauded him for his service to the City of Pinole.

Irma Ruport, Pinole, thanked everyone involved in reopening Fire Station 74 and for this partnership, particularly Fire Chief Wynkoop and Supervisor Gioia. She stated she had attended every meeting and workshop on this topic and had gotten to know Vincent Wells and Pinole Fire Captain Rich Voisey who never gave up, had the will to continue and had pride in Pinole firefighters. She also thanked all voters who supported Measure X, which was the best thing for the City of Pinole. She asked that Pinole firefighters Rich Voisey and Robert Ramos be recognized and that the key to the City be presented to Mr. Wells and Fire Chief Wynkoop. She also recognized the fallen firefighters who had a lot to do with Fire Station 74.

PUBLIC COMMENTS CLOSED

Mayor Murphy again expressed his appreciation to all firefighters present and who formally filed out of the Council Chambers at this time. He welcomed everyone to continue to celebrate and partner together.

2. Easter Egg Hunt Video Presentation

Community Services Director Jeremy Rogers presented a brief video of the Annual City of Pinole Egg-Stravaganza event and thanked the Mayor for stepping in during the event and operating the camera.

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, thanked Community Services Director Rogers and Pinole Community Television (PCTV) staff for the video and for the well-attended and fun community event. He looked forward to the event in 2024.

PUBLIC COMMENTS CLOSED

Mayor Pro Tem Toms reported she had attended the event with her grandchildren and it had been a well-run and well-attended event. She thanked staff and the Police Department for running the event.

Mayor Murphy also thanked staff and looked forward to the event in 2024.

A. Proclamations

1. National Pet Day

The City Council read into the record a proclamation recognizing April 11, 2023 as National Pet Day.

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, suggested having a pet was a wonderful opportunity, made people smile, and commented on his own personal experience with a pet and suggested pets were the most wonderful creatures on earth.

Anthony Vossbrink, Pinole, echoed the comments and inquired of the status of the former Pinole Animal Shelter. He suggested Contra Costa County Animal Services for the City of Pinole had deteriorated since the shelter had been closed and he provided examples. He also asked for an update on the dog park, which was in need of improvements, clean-up of debris and weeds and stated the women's restroom remained inoperable.

PUBLIC COMMENTS CLOSED

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.

Teresa Teller, wife of Nick Teller, Pastor of Our Savior Lutheran Church, Pinole, explained she was a self-described stigma fighting role model for people with mental illness, a composer and musician who also worked full-time in nursing homes and in recreation. She described her personal history when in 1999 she had been diagnosed with a mental illness and described her efforts to speak publicly about her personal experiences. She asked the City Council to consider proclamations for Mental Health Awareness Month for the month of May and Suicide Awareness Day on May 16, 2023, which she hoped to present at Our Savior Lutheran Church at the end of May. She referred to a book she was co-writing entitled My Brain Makes Me Proud; noted her efforts to share her story with the public; and requested the City Council allow her to present a brief video at a future City Council meeting to help promote her tuning out stigma event at Savoir Lutheran Church.

Rafael Menis, Pinole, updated the City Council on the current COVID-19 case rate for the City of Pinole, which had the 7th highest rate in Contra Costa County and he hoped that Pinole would reach the levels of other communities in Contra Costa County which had lower case rates. He requested the City Council adjourn the meeting in memory of Joanie Shattuck, a resident who cared deeply about the reopening of Fire Station 74 and volunteerism and who he was honored to call his friend.

Irma Ruport, Pinole, reported the Contra Costa Board of Supervisors had recently honored César Chavez, the founder of the United Farmworkers Union (UFW) in a celebration recognizing Mr. Chavez' commitment to social justice and respect of human dignity. She described the theme of the celebration, the speakers present, and Governor Newsom's proclaiming March 31, 2023 César Chavez Day in the State of California. She read into the record the comments the Governor provided as part of the proclamation and also comments President Biden had provided as part of a federal proclamation. On behalf of all union and non-union workers, she asked that they strive for a better future and life and not forgot those leaders who had given up their lives. She also read into the record a famous quote from César Chavez, *Yes I Can* and urged everyone to remember the quote and never give up. She asked that the City Council meeting adjourn in memory of César Chavez.

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Murphy reported he had attended Contra Costa County's César Chavez celebration which had also included a celebration of the Countywide Youth Hall of Fame; and had attended the Pinole Finance Subcommittee meeting and briefed the City Council on the discussions. He thanked the City Council and City staff, particularly Community Development Director Whalen and Assistant City Attorney Mog for their presentations during the March 28, 2023 Joint City Council and Planning Commission meeting and encouraged the public to view the meeting, with the video and all meeting materials posted on the City website. He had also attended the opening of a new RotaCare facility in the City of San Pablo and described the facility as a project of Rotary Clubs across the region, celebrating its 10th anniversary providing medical care including urgent care for uninsured and low-income residents in West Contra Costa County. He congratulated the City of San Pablo and Rotary Clubs across the region for making this possible along with LifeLong Medical Care, another partner.

Mayor Murphy also reported the Court Appointed Special Advocate (CASA) for children in Contra Costa County was seeking volunteers to work with children in foster care and he described the CASA program, with more information at volunteer@cccocasa.org or calling 925-256-7284, ext. 7. In addition, he encouraged the public to continue to provide feedback on what they wanted to see in the Pinole Community Corner at the corner of Tennent and San Pablo Avenues, through pinolecommunitycorner.com or by emailing any member of the City Council.

Mayor Murphy further reported on the efforts of Marin Clean Energy (MCE) to assist businesses to become certified with the California Public Utilities Commission (PUC) Supplier Clearinghouse, and briefed the City Council on the efforts. Those interested were encouraged to reach out to MCE via its website or to the Mayor via email.

Mayor Murphy also provided an update on the enhancements at the Pinole Library, with the County Librarian investing funds in the facility to address the majority of deferred maintenance issues, which he detailed at this time along with the funding sources. Most work would be done by mid-2024. Residents were encouraged to provide feedback on what they wanted to see at the Pinole Library. He also reported that the Mayoral Updates were available on PCTV and the City website with the April Mayoral Update provided at this time. He thanked City staff for making the videos possible.

B. Mayoral & Council Appointments: None

C. City Council Committee Reports & Communications

Mayor Pro Tem Toms reported she would attend via Zoom an upcoming Wildfire Prevention Memorandum of Understanding (MOU) discussion; announced the Pinole Police Department would sponsor a Bike Rodeo at St. Joseph's School grounds on Saturday, April 8 from 10:00 a.m. to Noon, and she asked that residents check the City's website for information on different upcoming Earth Month events.

Council member Sasai reported he had attended a West Contra Costa Transportation Advisory Committee (WCCTAC) Board meeting and briefed the City Council on the discussions and presentations. He had also participated in the Egg-Stravaganza event, had been pleased with the turnout and thanked City staff for organizing the event.

Council member Martinez-Rubin reported she had attended the League of California Cities East Bay Division meeting and briefed the City Council on the discussions. She also advised that April 12 through 14, 2023 would be legislative and advocacy days at the State Capital and she planned to attend with a joint session between representatives of the County Association of Governments and cities to discuss and address homelessness; water samples had been taken to test the health of Pinole Creek and Friends of Pinole Creek Watershed and the Watershed Project offered demonstrations and helped to clean-up the creek with the assistance of the Earth Team from Pinole Valley High School; and Pinole Creek had measured well at that time in terms of cleanliness. More information was available at the watershedproject.org website. She wished everyone a Happy Easter and Passover.

Council member Tave reported he had been unable to attend the March 28 Joint City Council and Planning Commission meeting since his son Roman Tave had turned 10 on that same date but he had watched the videotape of the meeting and he looked forward to future discussions. He also reported that he had been invited by the International Brotherhood of Electrical Workers (IBEW) Local 159 and Local 302 to tour their training facilities and shared some of the conversations from the apprentices. He provided photographs of potholes in the City to the Public Works Director and encouraged the community to keep an eye out for any potholes and email or telephone the Public Works Department with possible photographs so they could be addressed. In addition, as of March 29, 2023, the \$2 excessive water use surcharge imposed by the East Bay Municipal Utility District (EBMUD) had been pulled back pursuant to a press release from EBMUD since the drought had been reduced to Stage 1. EBMUD customers would see that reduction on future water bills.

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 Mayor Pro Tem Toms/Mayor Murphy for staff to prepare a letter in opposition to Senate Bill (SB) 423 as a future agenda item.

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

ACTION: Motion by Council member Tave/Mayor Murphy to hold a Closed Session to discuss the City Manager's performance evaluation at a date in May as a future agenda item.

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

ACTION: Motion by Council member Martinez-Rubin/Mayor Pro Tem Toms for staff to prepare a resolution opposed to State Initiative 21-0042A1 as a future agenda item.

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

ACTION: Motion by Council member Martinez-Rubin/Mayor Murphy to direct staff to prepare a report for the City Council to consider a process for private projects to notify residents of projects that currently only received ministerial approval as a future agenda item.

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

ACTION: Motion by Council member Sasai/Mayor Murphy to direct staff to draft a letter on behalf of the City Council to the United States Department of Transportation in support of funding for the East Bay Regional Parks Bay Trail Expansion to Point Pinole as a future agenda item.

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

ACTION: Motion by Council members Sasai/Tave to direct staff to draft a letter of support for Assembly Bill 1, which would allow employees of the California State Legislature to unionize and negotiate over their pay benefits and working conditions, as a future agenda item.

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

Mayor Murphy offered a motion, seconded by Council member Sasai to consider a resolution to work with the County Board of Education to build workforce housing as a future agenda item.

On the motion Mayor Pro Tem Toms understood the Housing Element included actions that would follow that direction, and the Mayor commented there were specific resolutions and a letter of support could be included in that.

ACTION: Motion by Mayor Murphy/Council member Sasai to consider a resolution to work with the County Board of Education to build workforce housing as a future agenda item.

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

Mayor Murphy requested a proclamation in recognition of Philippine Independence Day as a future agenda item and was informed by the City Clerk that was already on the annual list of events and a proclamation would be included on an upcoming agenda.

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, requested a presentation on plans for the Port of Oakland as it was recovering from the pandemic and to invite EBMUD to provide a presentation on proposed water rates for the May 16, 2023 City Council meeting agenda.

Anthony Vossbrink, Pinole, requested the consideration of a Police satellite substation on or in a Fitzgerald Drive property on a six-month trial basis, or the addition of a Police Officer to patrol the area between August 2023 to January 2024 to reduce public health, safety impacts and crime issues in and around Fitzgerald Drive as a future agenda item.

Mayor Murphy reported presentations from the Police Department and EBMUD were anticipated during future City Council meetings.

PUBLIC COMMENTS CLOSED

E. City Manager Report / Department Staff: None

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 February 21, 2023 and March 21, 2023 meetings.
- B. Receive the March 18, 2023 – March 31, 2023 – List of Warrants in the Amount of \$517,401.96 and the March 31, 2023 Payroll in the Amount of \$449,788.64.
- C. Approve an Amendment to the Employment Agreement for the City Clerk **[Action: Adopt Resolution per Staff Recommendation (Shell)]**
- D. Resolution of Support for Senate Bill (SB) 691 Regarding Dyslexia Risk Screening **[Action: Adopt Resolution per Staff Recommendation (Rogers)]**
- E. Housing Successor Annual Report for Fiscal Year 2021-22 **[Action: Receive Report (Whalen)]**
- F. City Park Maintenance **[Action: Receive Report (Bingaman)]**

Mayor Murphy referenced Item 9C and reported pursuant to Government Code Section 54953 (c)(3) this item recommended an amendment to the Employment Agreement for the City Clerk to provide a five percent merit increase, which would result in an increased payroll cost of \$8,322.00, with the funding already included in the adopted budget for Fiscal Year 2022/23.

Speaking to Item 9A, City Clerk Bell advised that during the March 7, 2023 City Council meeting, the City Council had asked that the February 21, 2023 meeting minutes be continued to allow a review of the motion as shown on Page 22 of 565 of the agenda packet for Item 12A.

City Clerk Bell reported that the videotape of the meeting had been reviewed and the motion as shown reflected what had been stated, but if the City Council wanted to amend the intent of the motion that could be done at this time.

ACTION: Motion by Council members Sasai/Tave to amend the motion as shown on Page 22 of 565 of the agenda packet for Item 9A, the minutes of the February 21, 2022 meeting, as follows:

ACTION: Motion by Council members Sasai/Tave to direct staff to organize and host an informational event and send out invitations to tenants and landlords in Pinole and have conversations about Just Cause Eviction policies and include rent stabilization as part of that conversation.

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

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

Council member Tave thanked staff for the preparation of the resolution for Item 9D, a resolution he hoped would be shared with other cities.

Mayor Murphy offered a motion, seconded by the Mayor Pro Tem for the resolution in Item 9D to be sent to the author as well as to state legislators and that staff also consider a standing NOW, THEREFORE BE IT RESOLVED clause which directed staff to prepare the letter and send it to the author and to State Legislators.

City Clerk Bell reported most letters did what the Mayor suggested but she was not opposed to adding the language recommended by the Mayor.

ACTION: Motion by Mayor Murphy/Mayor Pro Tem Toms for the resolution in Item 9D to be sent to the author as well as to state legislators and that staff also consider a standing NOW, THEREFORE BE IT RESOLVED clause, which directed staff to prepare the letter and send it to the author and to State Legislators.

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

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, referenced Item 9C, stated the City Clerk had done an incredible job with the agenda packets and meeting minutes and he would like to see her stay with the City.

PUBLIC COMMENTS CLOSED

ACTION: Motion by Mayor Pro Tem Toms/Mayor Murphy to approve Item 9A (as modified), Items 9B and 9C, as shown, Item 9D (as modified), and Items 9E and 9F, as shown.

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

10. PUBLIC HEARINGS

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

A. 2023-2031 Housing Element Adoption [Action: Adopt Resolution per Staff Recommendation (Whalen)]

Community Development Director Lilly Whalen reported that Dan Wery and Shannon Liska, Michael Baker International (MBI), would provide a presentation on the revisions to the 2023-2031 Housing Element Update pursuant to review by the State Department of Housing and Community Development (HCD). The changes being recommended had been provided to the City Council as a late email item with track changes and would be posted to the City website. A written comment had also been received prior to the meeting, and although some of the comments did not require changes to the Housing Element, staff would provide written responses after this meeting and MBI would identify which comments fell into which category.

Community Development Director Whalen recommended the City Council adopt the City of Pinole's 6th Cycle 2023-2031 Housing Element and submit the revised draft to HCD for a 60-day review. Staff hoped to receive a letter of substantial compliance following the review.

Dan Wery, Michael Baker International (MBI), provided a PowerPoint presentation that detailed the background and timeline of the 2023-2031 Housing Element Update and review of the comments from HCD. A meeting had been held on January 30, 2023 between City staff and HCD, at which time 30 comments had been provided from HCD. A Revised Draft of the Housing Element had been published and submitted to HCD on February 17, 2023. HCD responded on March 2, 2023 with 22 formal comments for review.

HCD requested additional detail to support analyses and conclusions, additional outreach and support from developers and real estate professionals. There were no changes to the sites inventory and only minor changes to programs. Revisions included more data on development disabilities, overpayment, local rent source, code enforcement, City-level fair housing data, local knowledge from developers and real estate professionals, review of voter initiatives and Bay Area Regional Energy Network (BayREN) participation.

As part of Affirmatively Furthering Fair Housing (AFFH), the City of Pinole was identified as the most integrated community in Contra Costa County, and more rationale was provided for Regional Housing Needs Allocation (RHNA) sites along the City's three Mixed Use (MU) Corridors and comparison of census tracts, County-level historic development trends had been added, and two other contributing factors had been added to the local fair housing conditions.

As to the Sites Inventory, trends and examples of commercial-commercial development, comparison of non-vacant sites in the inventory to recent projects, and details on each pending project including demonstrating affordability of lower and moderate-income units had been added along with support letters from housing developers to finish projects. For Constraints, revisions included specifics on permit processing time, examples and details on comprehensive design review; clarification that inclusionary requirements were not a constraint on housing production by using recent project trends; and identified local amendments to the building code; provided information on requests to develop below the anticipated density on the 5th Cycle Housing Element sites; and added analyses reviewing height and setback standards of recent projects.

As to the Zoning, clarifications were provided for compliance of emergency shelter and supportive housing standards, Senate Bill (SB) 330, replacement of affordable housing units and streamlining of the parking reduction process. For Public Participation, efforts to reach out to lower and moderate-income individuals had been discussed.

A map of the Housing Sites Inventory included recently entitled projects and proposed Regional Housing Needs Allocation (RHNA) sites to meet the remaining RHNA obligations within the next eight years.

The Housing Element Program revisions were as follows:

- Program 5 added to address SB 9, Technical Assistance to streamline SB 9 units;
- Program 1 to include a mid-cycle progress review in 2027;
- Program 3 to include coordination with PG&E and include proactive outreach to developers of special needs housing;
- Program 4 to identify a timeline for additional actions should Accessory Dwelling Units (ADUs) trends not be met;
- Program 6 to add a timeline for updating environmental documents;
- Program 9 to add details to ensure program assists all lower and special needs households and set a goal of 25 households for fee waiver program;
- Program 11 to identify specific emergency shelter standards to comply with state law;
- Program 12 to allow group homes in the R-Zone and define group homes, reviewed and revised the definition of household to ensure clarity, further studied and revised the parking standards, reduced the level of approval for parking standards from Conditional Use Permit (CUP) to Administrative Use Permit (AUP), and identified specific State Law Density Bonus requirements;

- Program 13 modified to ensure replacement of affordable units per state law (SB 35 and SB 330);
- Program 15 to include implementation of electronic permitting process by the end of 2023;
- Program 19 to include two efforts from the Capital Improvement Plan (CIP) regarding park improvements; and
- Program 23 to include outreach at no less than two events per year.

Mr. Wery provided an overview of the comments from the March 27, 2023 Planning Commission meeting, which had led to some cleanup to language in the Housing Element including revisions to the language in Pages 139 through 141 regarding the Census Tract and RHNA Sites, and which section had been rewritten to be factual and supportive, although the intent remained the same that the City of Pinole was diverse and integrated with only small differences between the highest and lowest fair housing scores.

Mr. Wery added that a public comment letter had been received on April 4, 2023 from Rafael Menis. Those comments had also been provided verbally during the March 27 Planning Commission meeting. He described the comments as technical corrections and some typographical errors, the changes would not affect policies or programs and these comments had been identified in Mr. Menis' comment letter as Comments 7, 13, 16, 17, 18, 22, 23, 24, 25 and 30. Comment 29 had been addressed in the AFFH revisions with the remainder of Mr. Menis' comments to be responded to in writing with a copy to the City Council, which again would not result in any changes to the document.

In response to comments raised during the Joint City Council and Planning Commission meeting of March 28, 2023, Mr. Wery provided an overview of Disadvantaged Communities in Pinole and how an area may qualify as a disadvantaged community with that information to be covered in the Environmental Justice Element to be discussed at a future meeting. An overview of Low-Moderate Income households in Pinole was also provided and areas based on Area Median Income (AMI) where the City of Pinole fell into two groups; households between \$55,000 and \$87,000 in household income, and households between \$87,000 to \$125,000 in household income, with the Housing Element having noted the majority of the City of Pinole fell between \$68,000 and \$88,000 in household income.

Mr. Wery reiterated the staff recommendation for the City Council to adopt the resolution contained in Attachment A to the April 4, 2023 staff report recommending adoption of the Revised Housing Element, with technical revisions to be made and with the document to be submitted to HCD on April 5, 2023.

Mayor Pro Tem Toms asked whether conversations had been held with HCD as to whether the responses to HCD's comments had addressed its formal comments, and Mr. Wery explained that staff had previously met with HCD at which time the preliminary comments had been received. Staff and the consultants had been unable to have subsequent conversations with HCD even after reaching out on several occasions. Once the Housing Element was resubmitted, HCD would have a maximum of 60-days to review the document. He hoped the City would receive a letter of substantial compliance.

As part of the submittal to HCD, Mr. Wery stated a request for an expedited review would be made in the hopes the document would be turned around in less than 60-days. If HCD required final adjustments, he hoped that could be made without the requirement for another public review.

Council member Tave spoke to the language in SB 9 and his understanding that was strictly for R1 Zoning, which allowed a lot to be split into two lots. He asked if that included condominiums, and Mr. Wery explained that SB 9 was applicable to Single-Family, not condominium lots, and once split the lot could not continue to be split. The maximum one could get out of the lot was four units, if there was a split and each primary home had an Accessory Dwelling Unit (ADU), as an example.

Council member Tave asked of the AMI and whether it was pre-tax and Mr. Wery advised that the AMI had been based on gross income.

Council member Martinez-Rubin asked for clarification on the use of the terms “overpayment” and “local rent source.”

Mr. Wery and Shannon Liska clarified that “overpayment” had been defined as anything more than 30 percent of the gross household income towards housing, and had also been defined as an “overburdened” household. “Local rent source” was in response to HCD, which desired more local data on what was being paid for rental units in the City of Pinole, with Figure 8 added to the document as a source of data showing local rents.

Council member Martinez-Rubin asked for more clarification on the community outreach efforts and was informed by Mr. Wery that as part of community outreach, MBI had access to a long list of contacts and input through the online survey. While he had hoped for better responses from the survey, MBI had also reached out to community based organizations. Stakeholder interviews had been held with a good mix of participation from a number of different housing advocates, developers and real estate professionals.

Council member Martinez-Rubin asked for more clarification on Programs 3 and 9, and the definition of “special needs housing” and what category would be built.

Mr. Wery explained that “special needs housing” could be single-person households, disabled persons, Extremely Low income households, large and small households, and veterans and farmworkers since the category was broad. The most common group and focus were disabled and Extremely Low income households. He added as part of the Housing Element, they had identified the need and the programs that help, encourage, incentivize and facilitate those special needs.

PUBLIC HEARING OPENED

Rafael Menis, Pinole, explained that most of his comments had been answered but he wanted to follow up on Comment 29 as part of his submitted written comments which stated: *On page 164, it states that a difference of .3 in environmental opportunity score is “essentially in the same range.” I don’t agree - if a gradient block is .25, falling outside of that is a significant difference.* He read into the record the redline language as shown on Pages 164 and 165 of the Housing Element and disagreed with the language shown. He suggested a legend definition area on the map with a .25 range and a total range of outcomes in the City as a whole was broader than that range, and saying there was not that much of a discrepancy belied the point.

Mr. Menis suggested a .3 difference between worst and best environmental outcomes was significant enough to warrant acknowledgment in the programs in the Housing Element rather than the redline language shown in this section.

Mr. Menis also referred to Comment 34 which stated: *Page 182 states that maps and data show relatively subtle differences between census tracts. As per my previous questions, I dispute this. I also think it would be worthwhile to reach out to the Pinole Historical Society for information on past discriminatory practices in Pinole* and recommended Busing and Backlash, White Against White in a California School District by Lillian B. Rubin printed in 1972, as a point of historical data.

PUBLIC HEARING CLOSED

Council member Tave asked of the likelihood that HCD would provide additional comments after resubmittal, and Mr. Wery stated this was the third Housing Element draft that would be submitted to HCD. While he had hoped the prior drafts would do the trick, HCD had informed them no jurisdiction had received substantial compliance with less than three rounds of HCD comments. If there were further comments, he hoped they would be minor and technical in nature and would not require another public review.

Council member Tave expressed concern with continual refinements, resubmittals, additional public hearings and the back and forth with HCD. He asked whether HCD provided any guidance on the status prior to reporting back to a city but Mr. Wery explained that HCD was pretty reserved with judgements and was not held to the same standards as local jurisdictions. Based on his experience, if the current submittal was not accepted, he was confident they would be extremely close.

Council member Martinez-Rubin requested clarification of the recently-provided redline revision and the scoring system referenced on Pages 164 and 165. She also asked for clarification of the statement in the redline language shown on Page 140, which read in part*while listing a site does not require a development of affordable housing it decreases costs and therefore increases the feasibility and affordability of development of such sites* ..., and she asked how it decreased costs.

Mr. Wery explained that in terms of the scores, in some cases a low score was good or bad, with most of the scores based on how one would rank in comparison to similar criteria throughout the state. The individual scores were for environment, economy and education. Environment weighed towards any pollution, air quality in particular, and if one was near a major highway, railroad, as an example, it would have a low score due to diesel particulate, with the algorithms set by the state. If one was near transit, trains, or a freeway there would be worse air quality and lower scores. The scores would be the highest if located in remote areas and areas away from those features, typically Low Density areas with grass, trees and more vegetation, such as nature preserves and areas of low development. How the state used the algorithms and divided it by census tract to review each community for environment, education and economics was detailed.

Ms. Liska added there was more discussion on the maps provided which started on Page 160 of the Housing Element.

ACTION: Motion by Council member Tave/Mayor Pro Tem Toms to adopt a resolution approving General Plan Amendment 22-01 for the adoption of the 2023-2031 Housing Element and approval of the CEQA exemption pursuant to CEQA Guidelines Section 15061 (b)(3) for the 2023-2031 Housing Element and authorize the City Manager to make technical modifications, refinements and clarifications (including but not limited to implementation details of the proposed housing plan programs) to the Housing Element Update without requiring a subsequent hearing and re-adoption: new goals, policies or programs would require re-adoption.

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

- B.** A Resolution Confirming the Assessments and Ordering the Levy for the Pinole Valley Road Landscape and Lighting Assessment District for Fiscal Year 2023/24
 [Action: Conduct public hearing (Whalen)]

The item had been recommended for continuance to a subsequent meeting

ACTION: Motion by Council member Tave/Mayor Pro Tem Toms to continue Item 10B to the City Council meeting of May 17, 2023.

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

Community Development Director Whalen provided a PowerPoint presentation on the Framework for New Outdoor Dining Regulations, which included an overview of what outdoor dining could do for a community including enliven the street, support economic development and help re-prioritize public space for human use. The City's existing regulations, Urgency Ordinance No. 2020-03, the number of temporary use permits granted during COVID and the framework categories for the requirements for outdoor dining included sidewalk dining, parklets and outdoor dining areas were all highlighted. An overview of the Planning Commission's discussion of the framework, recommendations and staff responses to each recommendation were also described as outlined in the April 4, 2023 staff report. The current Pinole Municipal Code (PMC) included a process pathway for outdoor dining on sidewalks and private outdoor areas in the City. The standards related to aesthetics, safety, design and durability were lacking and could be revisited and refreshed.

Community Development Director Whalen explained that there was no clear process pathway for parklets or permanent outdoor dining on public property. Staff sought direction from the City Council whether or not staff should return with a specific proposal on modified outdoor dining regulations to support and encourage outdoor dining in the City. If the City Council directed staff to return with a specific proposal, staff would incorporate best practices from other jurisdictions. If not, staff asked for direction on when the Temporary Use Permits (TUPs) should expire and have staff begin enforcing the removal of temporary outdoor dining structures. She added that staff could also be directed to contact local businesses to gauge the level of interest in more clearly defining the outdoor dining process, standards and opportunities for parklets.

Council member Martinez-Rubin asked of the number of eating establishments that no longer had an active TUP for outdoor dining and why those businesses decided not to continue, to which Community Development Director Whalen understood one of the businesses had removed their temporary structure due to weather-related issues.

Planning Manager David Hanham reported that Applebee's, as an example, had been able to return to its pre-pandemic operations inside the building. Some businesses had been impacted by the recent inclement weather conditions and had removed their temporary structures. Sue's Place, Pear Street Bistro and Tina's Place were the only establishments interested in continuing moving forward with outdoor dining.

Council member Martinez-Rubin understood the three businesses that wanted to continue to move forward with outdoor dining had been issued TUPs due to the pandemic and there were restrictions on proximity to other patrons.

Council member Sasai asked whether or not the TUPs included an expiration date and whether the TUPs had been informally extended.

Community Development Director Whalen stated the Urgency Ordinance allowed the Zoning Administrator to extend the TUPs, which had been done during the pandemic.

In response to Council member Sasai, Community Development Director Whalen reported the City had extended all requests for an extension and the business owners that no longer had a structure outside or had not pursued outdoor dining under their TUP had done so since they no longer needed it at this time, which could potentially be since they were meant to be temporary facilities, but more outreach to businesses was needed.

Council member Sasai asked of the benefits of conducting the outreach to businesses and what input staff hoped to receive and Community Development Director Whalen suggested it was to gauge the interest of the business owners to expand outdoor dining opportunities in the City and whether the City should expend the effort in that process, to solicit feedback, and engage the businesses in some of the best practice standards that could be recommended to the City Council.

Council member Sasai asked whether other jurisdictions had established a successful parklet program and how they had approved encroachment permits in the public right-of-way (ROW).

Community Development Director Whalen had no information on that topic at this time but she understood some cities had established parklet programs.

Planning Manager Hanham confirmed a number of cities, including Contra Costa County, had created temporary parklet programs but were now transitioning to a more permanent program.

Council member Sasai asked whether the informal extensions would continue to be offered to the existing TUPs or whether City Council action was required, to which Community Development Director Whalen again detailed the staff recommendation including direction from the City Council whether or not to move forward with updated regulations. If not, staff would have a conversation with the City Council about the expiration of the existing TUPs. The Planning Commission had recommended that if new regulations were put in place, a six-month transition period should be considered. If not, a reasonable expiration date was 60-days to remove the temporary structures pursuant to the regulations of the Urgency Ordinance standards.

Council member Tave commented on discussions in 2020 about improving the downtown, providing wayfinding signage and walkable streets and noted the removal of parking may help to facilitate more seats and business activity. He questioned how this framework played into the larger vision for the downtown and whether there had been any consideration of how this framework fit in with other efforts. He also questioned how the sale of alcohol would be addressed in the public ROW and how it would be enforced by the Police Department, and the level of safety of traffic barriers when people were participating in outdoor dining. He was otherwise in favor of reaching out to local businesses to gauge their interest in new regulations.

Community Development Director Whalen stated that would be a component to address as part of new regulations. Outdoor dining and parklets were a component of the conversation referenced in 2020, but this item did not have to wait for that conversation to happen, and staff could be directed to start the conversations with business owners and bring back more fully-formed standards that would include numerous provisions including those mentioned.

Mayor Pro Tem Toms commented on the different types of locations and possibly the City already had a process in place to approve such uses as part of a regular use permit, which included properties that did not take up parking spaces and were not in the public ROW. As an example, one of the businesses was located between two buildings, another on a lot adjacent to the business and another in the front portion of the building. She asked staff whether those businesses could be considered for outdoor dining without making changes to the PMC.

Community Development Director Whalen confirmed the PMC had regulations which allowed sidewalk dining and outdoor dining on private property, with some standards related to accessibility requiring a clear path of travel.

Mayor Pro Tem Toms suggested moving forward with the TUP extensions in private parking lots or in the public ROW outside of the temporary use permit process that could be modified or streamline those on private property. She was interested in hearing from local businesses if this effort should be pursued. Of the two businesses with outdoor dining, one was in the parking lot and the other in the public ROW, and if they were to continue she was uncertain whether City staff should expend the time to create a process for only two businesses. She again wanted to see input from the local businesses. She added three years ago there had been concern with outdoor dining in the parking lot for one of the businesses and it should not be an automatic. She questioned staff going through a process for only two existing businesses, possibly more in the future and if more were proposed in the future, she preferred to see more permanent structures rather than the canopies that had been installed during the pandemic.

Council member Tave referenced the Old Town Pinole Parking and Pedestrian Safety Study, (Alta Design Group) dated March 2020 and a memorandum dated September 15, 2020, identified as Item 9A for the City Council meeting agenda for that date, which was related to his earlier comments about discussions in 2020.

Mayor Murphy asked whether or not staff had any recommendations related to native plant materials or sustainable materials, to which Community Development Director Whalen explained that staff would look to other communities that had implemented sustainable regulations or had encouraged them in parklet designs.

Mayor Murphy spoke to the options for outdoor dining in the public ROW and asked whether the City was responsible for incidents in the public street to pedestrians in the area. He cited Sue's Place as an example.

Community Development Director Whalen stated the intent would be to prepare an agreement with the holder of a permit for a parklet that would transfer liability to the permit holder and not the City.

City Attorney Eric Casher confirmed that if the City was allowing a permitted use of the City's ROW, the City would require the property owner to be responsible for any liability that would arise out of the use of the space, which would be reflected in a permit or agreement with any of those entities. Those requirements were not in the current TUPs.

Mayor Murphy was also interested in more permanent structures than the temporary tents that had been installed during the pandemic. In terms of signage, he asked whether there would be regulations for signage as part of the outdoor dining and Community Development Director Whalen advised the City Council could draft regulations as desired. Based on other regulations she had seen, no signage (advertising of a certain business) was allowed on parklets but the City Council could decide to allow the business to have signage and the regulations could be made clear on what was allowed.

Mayor Murphy understood that the existing TUPs expired 60-days after the Urgency Ordinance expired but the Zoning Administrator had the authority to extend a TUP, and Planning Manager Hanham clarified that once the Urgency Ordinance had been suspended, the Zoning Administrator did not have the authority to extend the TUPs. If the City Council did not want to continue further, the existing businesses with TUPs would have 60-days to remove their outdoor dining areas. The existing TUP holders had been informed by staff that the City was working on a potential new policy, but if that new policy was not pursued by the City Council, staff would work with the TUP holder on the removal of their temporary use.

Mayor Murphy asked whether or not shared use agreements or a Memorandum of Understanding (MOU) could be considered if they moved forward with outdoor dining regulations if the City wanted to hold events in that space at minimal or no cost, as an example.

Planning Manager Hanham and Community Development Director Whalen both confirmed that was possible and clarified the Urgency Ordinance did not include a specific indemnity section or transfer of liability. It did include a section about the use of the public ROW and a requirement for the applicant to obtain an encroachment permit from the City and obtain and maintain appropriate insurance as required by the City.

City Attorney Casher commented that he was not aware of the encroachment permit language as part of the TUPs and could not comment on that at this time.

Mayor Murphy asked whether the PMC addressed rooftop spaces and asked whether there were limitations to address that opportunity in the conversations.

Planning Manager Hanham commented that if a business wanted to utilize a rooftop space for outdoor dining, as an example, the applicant would have to go through the City's design review process. He cited the Safeway project as an example where the applicant had to go through the design review process for an outdoor area. He acknowledged that some apartment complexes may have rooftop activities, such as use of a barbeque and areas for people to gather, but that was for the residents of the building and not for use by the general public.

Mayor Murphy asked how the City had educated small businesses, particularly in Old Town, on the options for outdoor dining and Community Development Director Whalen suggested that would be an opportunity when staff reached out to businesses to solicit interest on outdoor dining to educate them on the current City processes. That could also be a way to identify whether there was a gap in what the business needed or wanted in the future and what the City's regulations provided. That outreach and education had not been conducted at this point.

Planning Manager Hanham acknowledged that education about this process to local businesses would be key.

PUBLIC COMMENTS OPENED

Oscar Soriano, Pinole, understood there had been safety concerns with outdoor dining during the pandemic. He suggested the businesses should have the right to have outdoor dining but the City should ensure there was adequate space and sidewalk width to accommodate the use.

PUBLIC COMMENTS CLOSED

Council member Martinez-Rubin commented that the City Council had not discussed how Old Town should be revitalized other than a patchwork of projects and there was room for that discussion as part of strategic planning. As to what could enhance the dining experience, she cited other cities in California that had high traffic corridors where there was outdoor dining. While she was uncertain how those communities accomplished it, it may have involved a business district, which could be another avenue that could be pursued but which would require the involvement of the businesses which historically had been a constraint. She realized they would have to wait until staff had identified possible options that could be offered to the businesses, including the possibility of shared agreements.

Council member Martinez-Rubin recognized it remained to be seen whether businesses were interested in continuing with outdoor dining, whether it was necessary for the business, and whether the City had enough variety of eating experiences, noting there were 17 existing eating establishments in Old Town. She suggested a Needs or Interest Assessment would be necessary to provide a review of what other cities with comparable environmental conditions had done, which included the goal of sustainable environmental practices and enhancing the economic opportunity for small businesses, all remaining to be identified. She found the current process to be a patchwork as opposed to a larger vision or alternatives to the parklets.

Given the need for more information on potential regulations, more clarity on the role of the City and the need to protect public safety and the City's own liability, Council member Martinez-Rubin suggested it was possible a workshop with the businesses would be necessary.

Council member Tave read into the record the goals of the Old Town Pinole Parking and Pedestrian Safety Study, dated March 2020, which effort the then-City Council had proposed to identify the vision for Old Town and whether it was consistent with the General Plan and Three Corridors Specific Plan. He suggested staff go back to that study as the starting point, which could be added to rather than pursue a patchwork solution and where the City could consider ways to make that vision come together. He pointed out that the sidewalk on San Pablo Avenue was not wide enough for outdoor dining, East Bay Coffee had a vacant lot which could be turned into something to attract people to the downtown, the Three Corridors Specific Plan was years old and he agreed that workshops and contact with the businesses was needed.

Mayor Pro Tem Toms agreed with the need to evaluate the Old Town Pinole Parking and Pedestrian Safety Study to see how the context of parklets could be folded into the study but agreed the sidewalks along San Pablo Avenue were not wide enough to accommodate outdoor dining. There was an opportunity to provide outdoor dining on the corner lot of San Pablo Avenue depending on what was developed on that property. San Pablo Avenue also competed with parallel parking, bike lanes and high volumes of traffic. She suggested parklets on San Pablo Avenue were not feasible. In the meantime, she agreed the businesses should be surveyed to identify their interests. As an example, whether Pear Street Bistro would be interested in investing in a more permanent outdoor dining area. This area took up three to four parking spaces and it should be discussed whether that was a long-term solution in a shared parking lot.

Mayor Murphy recognized the challenges were not focused just on the City of Pinole. He cited the cities of Emeryville and Berkeley which also had challenges like Pinole but had been able to provide for outdoor dining. He wanted to allow the businesses that still had TUPs and outdoor dining to continue and it would be helpful for those businesses that had shown some interest in continuing with outdoor dining to continue until a more permanent solution had been proposed.

Mayor Pro Tem Toms agreed with allowing the businesses with TUPs to continue with their outdoor dining until a more permanent solution had been proposed.

Council member Martinez-Rubin commented that some of the outdoor dining establishments were different in appearance but she otherwise agreed to allow those businesses with a TUP to continue until a more permanent solution had been proposed.

Mayor Murphy suggested the City Council identify what questions should be part of a Needs Assessment. He also suggested recommendations be provided to staff about the Old Town Pinole Parking and Pedestrian Safety Study and provide direction about a possible Master Plan/Revitalization of Old Town.

Mayor Pro Tem Toms reported the Specific Plan included implementation measures and staff did not need direction for a Master Plan for Old Town. She agreed it would be useful for staff to review the Old Town Pinole Parking and Pedestrian Safety Study.

Council member Tave wanted staff to incorporate what had been learned since the preparation of the Old Town Pinole Parking and Pedestrian Safety Study and through the pandemic, and attempt to incorporate any information gleaned into the study and move forward with possible improvements such as bulb-outs on Tennent Avenue, parklets and tree lighting for Old Town and look at that through the lens of the big picture with input from local businesses.

Council member Sasai recognized the competing initiatives through discussions of this process. He agreed with them all including the exploration of a Master Plan/Revitalization of Old Town. As to when the existing TUPs should be extended, he initially thought they could be extended through the process of community engagement but now recommended an extension until the City Council decided on when to consider a permanent program for outdoor dining.

ACTION: Motion by Council members Sasai/Tave to extend the active Temporary Use Permits until the end of the year.

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

ACTION: Motion by Council member Tave/Mayor Pro Tem Toms to direct staff to review the Old Town Pinole Parking and Pedestrian Safety Study (Alta Design Group) and return with suggestions regarding the report including parklets, bulb-outs, wayfinding and the other goals outlined in the study.

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

In response to the Mayor as to how to incorporate rooftop gardens into the conversation, Community Development Director Whalen advised that staff could be directed to conduct business outreach, and as part of that outreach staff could incorporate a conversation about rooftop gardens with business owners. Staff could also conduct independent research.

Mayor Pro Tem Toms offered a motion, seconded by Council member Martinez-Rubin to direct staff to conduct some outreach with the goal of finding out if there was interest in doing permanent parklets or outdoor eating facilities.

Council member Martinez-Rubin, as the second to the motion, requested an amendment to identify the constraints among businesses that would keep them from having outdoor dining.

In response to the Mayor, Community Development Director Whalen clarified the motion would apply to any business that had some sort of component of food service.

Council member Sasai recommended a further amendment to the motion to apply to entities with a business license in the City of Pinole with a food component that also had storefronts or had food preparation.

Community Development Director Whalen understood the direction was to reach out to businesses with business licenses that had a component of food service and that also had storefronts or dining in the City.

City Clerk Bell asked whether the motion included the rooftop component.

Mayor Pro Tem Toms commented that the motion could encompass the rooftop component but it would be a matter of someone improving their facilities to ensure it could be safely done.

ACTION: Motion by Mayor Pro Tem Toms/Council member Martinez-Rubin to direct staff to conduct some outreach with the goal of finding out if there was interest in doing permanent parklets or outdoor eating facilities and identify the constraints among businesses (businesses with business licenses that had a component of food service and that also had storefronts or dining in the City) that would keep them from having outdoor dining.

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

B. Options to Celebrate Pride in 2023 [Receive Report and Provide Direction (Rogers)]

Community Services Director Rogers provided a PowerPoint presentation which included an overview of the Options to Celebrate Pride in 2023. He clarified that during the month of June the City would also celebrate its 120th Anniversary, Juneteenth and Pride Month with the details for all activities planned highlighted in the April 4, 2023 staff report.

In response to Council member Tave, Community Services Director Rogers explained that fundraising for the events had not been planned and there were ample funds in the Special Events Fund to be used for a grand celebration.

Mayor Pro Tem Toms asked whether different organizations would have pop-ups and tables for the planned June 11, 2023 Fitzgerald Park event, and Community Services Director Rogers stated that anyone and everyone would be invited to attend with staff to reach out to as many organizations as possible.

Mayor Pro Tem Toms detailed the Fiesta Del Pinole which had been held in the City during a weekend years ago and which may be a celebration the City may want to bring back.

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

Council member Martinez-Rubin encouraged staff to partner with the Pinole Historical Society to ensure that element was part of the celebrations planned. Aside from the Fiesta Del Pinole, she added the City had a Portuguese Fiesta in the past. Pinole had a Portuguese component to the community and there were active established groups in neighboring cities, and possibly that historical element could also be brought back.

Council member Sasai appreciated the events and activities planned but recalled the intent and purpose of Pride Month had been to focus on the LGBTQ+ community. He suggested that including the recognition of the other events in the same celebration diluted the intent of Pride Month. He suggested the focus should be on LGBTQ+ Pride. He was otherwise not opposed to bringing back past events, as mentioned, but that was a separate conversation.

Mayor Murphy explained when he had originally recommended the event it had been focused on LGBTQ+ Pride. As part of the next steps in planning, he wanted to see how they could be more intentional about the LGBTQ+ Pride celebration and suggested that staff could reach out to the Rainbow Community Center of Contra Costa to be a partner in the celebrations. He also clarified with staff that Concerts in the Park would continue to be held on Fridays, the events planned for June 11, 2023 would include two bands and other activities, as described in the staff report, and the events planned for Fernandez Park on June 11 were intended to be large enough where part of the baseball field would have to be used.

Mayor Pro Tem Toms asked how the event would be expressed, whether Pride or a combination of the different aspects since each piece was important but she did not want one to outshine the other.

Council member Tave suggested the City had a lot to celebrate. He liked the events but wanted to use the budget in the Special Event Fund as a baseline for each event. He was not opposed to bringing back the past events referenced but suggested each celebration did not have to be combined into one big event. He suggested there was a lot of opportunity for the community to become involved and he preferred the events not be combined into one, which would result in losing the focus on each event. Given the timeline, he envisioned the events would be larger and larger, which required more programming to keep people interested. He liked the ideas but opposed combining the events.

Council member Martinez-Rubin pointed out as staff had outlined there was room for each of the celebrations. She suggested the events planned for June 11 would not dilute any of the individual celebrations and she supported the staff recommendation.

Mayor Pro Tem Toms commented that since this would be the first year for such an event the City could start the baseline of celebrating the events, as proposed, while recognizing there could be expansion in the future where more focus could be provided as there was more time for planning.

Mayor Murphy added that another significant event during the month of June was June 29, 1903, the date of the incorporation of the City of Pinole.

Council member Martinez-Rubin offered a motion, seconded by Mayor Pro Tem Toms for the City Council to approve and support the recommendations for the celebrations during the month of June 2023, as presented in the staff report.

On the motion, Council member Tave again clarified with the Community Services Director the events scheduled for Sunday, June 11, 2023, as shown in the staff report, with that date chosen since Fernandez Park had already been reserved for Saturday, June 10, 2023. He also clarified that staff had also conducted some research and had found the City's June 11 celebration would not compete with other Pride celebrations in the Bay Area.

As to whether the events as planned could be split into individual dates for each event/activity and in response to the Mayor and Council member Tave, Community Services Director Rogers commented on the challenges for such scheduling due to other community events that had already been scheduled for Fernandez Park.

Council member Tave expressed concern with the volume of programming for one combined event and again clarified with the Community Services Director the events planned.

Community Services Director Rogers expressed the willingness to partner with the Pinole Historical Society, as recommended, and the Pinole Library as part of several options to highlight the accomplishments of the City and the community.

On the discussion, it was pointed out there were specific activities already planned for each of the accomplishments beyond the one Special Event planned for June 11, and there were also ways to program certain activities such as utilizing the Youth Center for the June 11 event, but there remained opposition to combining all events which could dilute the focus from Pride Month and there was a recommendation to having several events with a focus on each significant event separately at different sections of Fernandez Park, along with the acknowledgement that splitting the events was a heavy lift for staff within a short period of time that would also impact the budget. It was noted that more intention could be focused on individual events in the future.

ACTION: Motion by Council member Martinez-Rubin/Mayor Pro Tem Toms for the City Council to approve and support the recommendations for the celebrations during the month of June 2023, as presented in the staff report.

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

Community Services Director Rogers advised that staff would create marketing around the June 11 event, a banner would be displayed on San Pablo Avenue, and he would provide updated information on the next steps at a future meeting.

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.

Anthony Vossbrink, Pinole, again requested a status update of the former Pinole Animal Shelter. He also expressed his frustration at being cut-off when speaking and attempting to address issues and emphasized the public was entitled to some communication with regard to public comment or direction to staff to investigate and/or schedule a matter to a future meeting. He added that issues had been raised during Traffic and Pedestrian Safety Committee (TAPS) meetings over the past six to twelve months regarding traffic safety including striping, crosswalks and speed bumps that were faded.

Mayor Murphy reported an update on the Animal Shelter had been provided in the past but he asked that the next City Manager's Report include a status update for the next City Council meeting.

14. ADJOURNMENT to the Regular City Council Meeting of April 18, 2023, in Remembrance of Amber Swartz, Joanie Shattuck and César Chavez.

At 10:40 p.m., Mayor Murphy adjourned the meeting to the Regular City Council Meeting of April 18, 2023 in Remembrance of Amber Swartz, Joanie Shattuck and César Chavez

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council: April 18, 2023

