

**CITY COUNCIL MEETING  
MINUTES  
October 17, 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 5:03 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  
\*Arrived after Roll Call

**B. STAFF PRESENT**

Neil Gang, Interim City Manager  
Eric Casher, City Attorney  
Heather Bell, City Clerk  
Jeremy Rogers, Community Services Director  
Roxane Stone, Deputy City Clerk

Deputy City Clerk Roxane Stone announced the agenda had been posted on Thursday, October 12, 2023 at 4:00 p.m. with all legally required written notices. No written comments had been received in advance of the meeting. A correction memorandum regarding Item 11B had been distributed to the City Council, posted on the City website and was available in the Council Chambers. with the item to be continued to a future meeting date.

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

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

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

**A. CONFERENCE WITH LABOR NEGOTIATORS**

Gov. Code § 54957.6

Agency designated representatives: Neil Gang, Interim City Manager; Stacy Shell, Human Resources Director; Markisha Guillory, Finance Director; and Greg Ramirez, IEDA

Employee Organization: Management Compensation Plan (MCP)

**B. CONFERENCE WITH LABOR NEGOTIATORS**

Gov. Code § 54957.6

Agency designated representatives: City Attorney, Eric Casher

Employee Organization: Interim City Manager

**C. PUBLIC EMPLOYMENT**

Gov. Code § 54957

Title: City Manager

**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 7:05 p.m., Mayor Murphy reconvened the meeting into open session and announced there was no report 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.*

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

Mayor Murphy moved onto Item 8, Recognitions / Presentations / Community Events at this time

**8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS**

*Please note: Not all proclamations were read into the record by the City Council and some of the proclamations were taken out of order from how they had been shown on the meeting agenda.*

**A. Proclamations**

1. Breast Cancer Awareness Month

Mayor Murphy reported the proclamation for Breast Cancer Awareness Month had been presented to several women involved with Truewood by Merrill, an assisted senior living facility located on Appian Way, as part of its annual Breast Cancer Awareness Month event.

2. Hispanic Latinx Heritage Month

Mayor Murphy recognized a proclamation in recognition of Hispanic Latinx Heritage Month.

3. LGBTQIA+ History Month

Mayor Murphy recognized a proclamation in recognition of the month of October as LGBTQIA+ History Month, with the proclamation to be presented to the Rainbow Community Center in recognition of its work.

4. Indigenous Peoples' Day

The City Council read into the record a proclamation in recognition of October 9, 2023 as Indigenous Peoples' Day with the proclamation presented to Michele Lamons-Raiford, a teacher at Pinole Valley High School who thanked the City Council for the proclamation and recognized her students present in the Council Chambers. She also honored her ancestors including her great-grandmother, a member of the Cherokee Nation, those sponsors who had provided assistance, the newly-established Native American Student Union, and Gena Stewart who had recently passed away but who had helped with the language in the proclamation and had served 17-years as an African-American Student Union teacher.

Jamila Smith-Folds, Ward 1 Trustee, West Contra Costa Unified School District (WCCUSD), explained that what was before the City Council was the action students from the Native American Student Union had taken with the WCCUSD on a proclamation that would be consistent with one approved by the WCCUSD. She was proud to recognize that the students were what good education, change and the future looked like.

Melissa Keller, a senior at Pinole Valley High School, reported she had worked on the proclamation for the WCCUSD Board and was proud the WCCUSD Board and the City of Pinole recognized the importance of the history of the country, cultural impacts that those events had put forth, and which recognized everyone's culture. She was proud of her community and with the work that had been done.

Sophia Lopez, a junior at Pinole Valley High School, and a member of the Native American Student Union, also commented on the work to create more impact within the community and within indigenous communities. She was pleased with the opportunity to recognize, celebrate and never forget the impacts indigenous cultures had on the community and on the country.

Elena Novak, one of the founding members of the Native American Student Union, identified her tribe, Mescalero Apache. She was pleased to see everyone come together and recognize more cultures.

Ms. Lamons-Raiford reported she had sent out an invitation in honor of their elders and would be meeting with the Ohlone tribe on Thursday, October 19, 2023.

Mayor Pro Tem Toms thanked the students, Ms. Lamons-Raiford, and Ms. Smith-Folds for their work, for being present and for recognizing Gena Stewart in their work. She requested the meeting adjourn in memory of Gena Stewart.

Council member Martinez-Rubin was pleased to see the students work and recognize the importance of culture and indigenous peoples, particularly in Pinole. She hoped they would also support the efforts of the Pinole History Museum and Pinole Historical Society in its efforts to include the kinds of activities youth would like to see in a future museum in Pinole, whether virtual or physical, and which would include more than modern history. As a member of the Pinole Historical Society Board, she supported the contribution of the kinds of artifacts, documentation, oral history and anything else that would enhance what had already been collected as part of the history of the City of Pinole.

Council member Tave appreciated and thanked the students for their engagement in local government.

Council member Sasai thanked the students, Ms. Lamons-Raiford and Ms. Smith-Folds for showing up and for doing the work.

Mayor Murphy also thanked everyone for their participation.

#### 5. Filipino History Month

The City Council read into the record a proclamation recognizing Filipino History Month, with the Mayor recognizing Council member Sasai and City Attorney Eric Casher as Filipino-Americans. He thanked them for their service to the community.

Council member Sasai stated that representation mattered. The City of Pinole had gone 120-years without Filipino representation and a formal acknowledgement which ended with this proclamation. He thanked the City Council for the proclamation and he too recognized City Attorney Casher as a fellow Filipino-American.

#### 6. Fire Prevention Week

The City Council read into the record a proclamation recognizing October 8 through 14, 2023 as Fire Prevention Week with the proclamation presented to the West Contra Costa Fire Safe Council (WCCFSC).

Soheila Bana, City of Richmond Councilmember and President of the WCCFSC thanked the City Council for the proclamation, and stated the WCCFSC was excited to team with the City of Pinole and its residents to promote wildfire safety, work together to keep the area safe and work with residents of Richmond and Pinole on annual open houses at fire stations to increase public awareness and promote public safety for all. She looked forward to working with the City Council and the City of Pinole.

Ms. Bana added the WCCFSC had worked with the City of Pinole in the past on an emergency fire evacuation route from Galbreth and South Rancho Roads and had filed applications for vegetation management and fuel reduction through Measure X mitigation services at Pinole Park around Adobe Road. Residents may contact the WCCFSC via email at [wccfiresafe@gmail.com](mailto:wccfiresafe@gmail.com) or [soheilabana.com](http://soheilabana.com) to inform the WCCFSC about residents' vegetation management needs, fuel reduction and where residents could get information about all available programs through Measure X mitigation services. She looked forward to working closely with the City of Pinole's Public Works Department and at the open houses at the City's fire stations.

Marilyn Saarni, Vice President, WCCFSC, commented on the effort to help people change their gardens for fire safety in this fast-changing climate, which was a learning curve and an adjustment for many.

Joyce Forte, a member of the WCCFSC, spoke to her work with Firewise USA and her effort to work with local neighborhoods to become Firewise USA sites. She reported that new Firewise USA neighborhoods had been designated in the City of El Sobrante.

Rebecca Orona, Treasurer, WCCFSC, a former resident of the City of Pinole and current resident of the City of Richmond, was pleased to be working with the WCCFSC to raise awareness about fire safety, particularly about wildfire, and she encouraged everyone to review their own backyards to see what vegetation could be removed or cut back to reduce the potential for wildfires.

#### **PUBLIC COMMENTS OPENED (Item 8A, 1-6)**

Anthony Vossbrink, Pinole, spoke to the proclamation in recognition of Indigenous Peoples' Day. He suggested it was time for the City Council to address the purpose of the land acknowledgement on each meeting agenda and treat the Ohlone people as members of the community. The City of Pinole was the only medium-sized community in Contra Costa County which did not have an assigned name in recognition of the Ohlone people on any property in the City of Pinole. He suggested the Adobe Road Trail behind the caretaker's home and/or the dog park could be renamed the Ohlone Trail or dog park, which could be helped by the Pinole Historical Society and others to build mutual engagement and respect for the Ohlone community.

#### **PUBLIC COMMENTS CLOSED**

#### **B. Presentations: None**

The City Council returned to agenda Item 7, Reports & Communications.

### **7. REPORTS & COMMUNICATIONS**

#### **A. Mayor Report**

##### **1. Announcements**

Mayor Murphy welcomed Interim City Manager Neil Gang to the dais and recognized his work as the Police Chief and over the past weeks as Interim City Manager. He also thanked WCCUSD Ward I Trustee Smith-Folds, and reported he had completed his annual WCCUSD school tour.

Mayor Murphy announced the launch of the Active Transportation Plan (ATP) and he thanked staff for the launch where the City would collect data from residents, visitors and other interested parties over the next few months to identify opportunities to improve walking and bicycling and support regional and state climate goals in reducing Vehicles Miles Traveled (VMTs) and Greenhouse Gas Emissions (GHGs). More information was available at [walkandrollpinole.com](http://walkandrollpinole.com), where residents may share ideas and contact City staff and the City Council to offer ideas.

Mayor Murphy also reported he had visited Truewood by Merrill, an assisted living senior facility in the City of Pinole, and had participated in an event which recognized a number of women challenged by, and to bring awareness to, breast cancer. In addition, he provided an overview of a recent Marin Clean Energy (MCE) Board Retreat, with a reflection of the past year and a discussion of programming and critical initiatives for the next year. He reported over \$6.5 million had been brought back from Washington D.C. in earmarks for Contra Costa County and other MCE member communities for electrification programs for homes, electric vehicle (EV) charging stations for homes and multifamily residences, education and energy storage programs. The next MCE Board meeting would be held on Thursday, October 19, 2023 at 7:00 p.m., and he highlighted the agenda items stating that more information was available on the MCE website.

Mayor Murphy also highlighted the City of Pinole's United Against Hate Week (UAHW) events scheduled for November 12 through 18, 2023. A presentation from the California Versus Hate Initiative and a UAHW proclamation would be presented at the November 7, 2023 City Council meeting. He thanked staff for prioritizing UAHW and he looked forward to what was to come.

**B. Mayoral & Council Appointments: None**

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

Mayor Pro Tem Toms reported she had attended the Annual League of California Cities Annual Conference and had participated in several education breakout sessions, which she highlighted at this time. She had attended the MCE Board Retreat briefing the City Council on the discussions; EV Show sponsored by the Contra Costa County Fire Protection District (CCCFPD) as part of National Night Out; and reported that WestCAT had canceled its October meeting since it was still negotiating with its drivers. She added that WCCUSD Capital Facilities staff asked the City to notice that the WCCUSD had at-large positions available for the Bond Oversight Committee, with more information available on the WCCUSD website.

Mayor Pro Tem Toms added that the Contra Costa County Office of Emergency Services was preparing a Local Hazard Mitigation Plan and she had attended an introduction of the plan as required for all jurisdictions that wanted to qualify for pre-and post-disaster mitigation funds. Local jurisdictions were required to adopt the plan once adopted by the County.

Council member Tave reported he had attended a meeting of the West Contra Costa Transportation Advisory Committee (WCCTAC) and provided an overview of the Subregional Transportation Mitigation Program (STMP), specifically the project at the trail gap between Tennent Avenue in the City of Pinole and the San Pablo Avenue Complete Streets Bay Closure project. He had also attended National Night Out and the EV show and thanked staff for all of their hard work on the event.

Council member Martinez-Rubin reported on her attendance at the Annual League of California Cities Conference in the City of Sacramento and highlighted the sessions attended, with more information on the League of California Cities website. She had also attended the investiture of Dr. Kimberly Rogers as President of Contra Costa College and she looked forward to future partnerships between the City and Contra Costa College. Additionally, she had attended the Ad Hoc City Seal Committee and briefed the City Council on the discussions. She also thanked Pinole Valley High School Government Teacher, Niko Villars and Pinole Valley High School Principal Kibby Kleiman for their support and invitation to be a guest presenter at the Pinole Valley High School Government class, with a presentation provided on local government.

Council member Sasai reported he had attended the Annual League of California Cities Conference in the City of Sacramento and highlighted the sessions attended. He had participated in National Night Out and the EV Car Show, and thanked Annika Osborn with Ride and Drive Clean who had worked with the Community Development Director and the City's Sustainability Fellow to make the first EV Car Show possible. He recognized MCE which had funded the event.

Council member Sasai also reported he had met with Elizabeth Echols, Ward 1 Board Member, East Bay Regional Park District (EBRPD), to walk the closure of the trail at Bay Front Park and he urged residents not to go beyond the closure point which was unsafe. He reported EBRPD would be enforcing the area and monitoring it more closely and he had been assured repair of the trail was EBRPD's top priority, with the closure to be identified on all applicable maps to better inform the public of the situation.

#### PUBLIC COMMENTS OPENED

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

#### PUBLIC COMMENTS CLOSED

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

**ACTION: Motion by Council members Tave/Martinez-Rubin for a resolution regarding the Israel-Palestine conflict, in support of the Jewish community, condemnation of the terrorist actions and atrocities that were occurring in the region and to support the local community and ensure they were safe, which resolution he expressed the willingness to develop with City staff.**

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

**ACTION: Motion by Council members Martinez-Rubin/Tave for a report from staff on the maintenance of the area in the block south of Sarah Drive on Appian Way down to Marlesta Road where there was a lot of growth in light of the discussion about fire prevention and upkeep of properties, and asked about the staff schedule for those areas which could be in the form of a memorandum or simple report, and with the report to identify what was expected of residents and the City in regards to upkeep.**

**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 an update on any City plans regarding the caretaker's home in Pinole Valley Park.**

**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 for staff to provide a report to the City Council with a map describing the jurisdictions responsible for certain areas of the watershed between the Bay and the southeast boundary of the City of Pinole.**

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

Mayor Pro Tem Toms noted the Contra Costa Flood Control District had maps and Council member Martinez-Rubin suggested that could be part of the presentation to the City Council.

**ACTION: Motion by Council member Sasai/Mayor Murphy for staff to provide a presentation on Assembly Bill (AB) 413, the implementation of daylighting for intersections and crosswalks in the City of Pinole.**

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

Council member Sasai moved and Council member Tave seconded for a discussion on an ordinance requiring safe storage of firearms in residences and vehicles.

In response to Council member Martinez-Rubin, City Attorney Casher confirmed the City currently did not have such an ordinance.

**ACTION: Motion by Council members Sasai/Tave for a discussion on an ordinance requiring safe storage of firearms in residences and vehicles.**

**Vote:**           **Passed**           **5-0**



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

**ACTION: Motion by Mayor Murphy/Council member Tave to direct staff to provide an update on the status of the Communications and Public Engagement Plan.**

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

**ACTION: Motion by Mayor Murphy/Council member Sasai to direct staff to provide a report and agenda item to consider a fee waiver for the waiver of rental and inspection fees for Alvarez Court Affordable Housing Complex.**

**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 review and consider amending a resolution concerning the Mayor and Mayor Pro Tem rotation and selection as well as the rotation list maintained by the City Clerk at the next meeting of the City Council.

On the motion, Council member Martinez-Rubin asked the purpose of the discussion and the need for an amendment and Mayor Murphy stated that would be discussed at the next meeting of the City Council.

**ACTION: Motion by Mayor Murphy/Council member Sasai to review and consider amending a resolution concerning the Mayor and Mayor Pro Tem rotation and selection as well as the rotation list maintained by the City Clerk at the next meeting of the City Council scheduled for November 7, 2023.**

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

**ACTION: Motion by Mayor Murphy/Council member Sasai to direct staff to provide an update on the status of the Pinole Community Television (PCTV) Master Plan and a standardized list of events for the remainder of 2023 and for 2024.**

**Vote:**           **Passed           5-0**

<b>Ayes:</b>	<b>Murphy, Toms, Martinez-Rubin, Sasai, Tave</b>
<b>Noes:</b>	<b>None</b>
<b>Abstain:</b>	<b>None</b>
<b>Absent:</b>	<b>None</b>

#### **PUBLIC COMMENTS OPENED**

Rafael Menis, Pinole, asked the City Council to consider along with a future resolution regarding the Israel-Palestine conflict, a resolution in support of the people of Gaza who were also suffering under Hamas' rule and who were under a current blockage of needed aid. He emphasized the importance of these resolutions, the fight against hate and that the City act against actions that harmed collective humanity. He suggested a separate resolution or proclamation as appropriate, and expressed support for the maintenance of the laws of war by all parties to the conflict and in support of the people of Gaza who had not had the opportunity to vote for their leaders in years and who were suffering during this conflict.

Cordell Hindler, Richmond, referenced the adopted budget in June 2023, and recommended a consultant be brought on board for racial equity, which the new City Manager could hopefully take on as part of the City Manager's duties.

#### **PUBLIC COMMENTS CLOSED**

Mayor Murphy advised the comments would be considered at future meetings.

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

Interim City Manager Gang reported his transition had gone smoothly, he had been welcomed into his temporary home at City Hall, and had great partnerships with City staff. He was excited for the future of the City. He reported he had recently spoken to the Pinole International Rotary Club on organizational wellness and leadership, how to better engage the workforce, and on mental health issues. He had attended National Night Out and recognized the Community Outreach Unit's work at the event and he highlighted Coffee with a Cop, with City Directors and staff invited to also participate as part of Coffee with the City, which was intended to provide an all-inclusive event. The most recent event had been held at the Pear Street Bistro.

Interim City Manager Gang also highlighted a new program, We Are Pinole, a transparency and sharing narrative strategy with highlights to be provided via monthly videos at City Council meetings. He emphasized the continued efforts to enhance the City's relationship with the CCCFPD, with meetings held once a month between the Fire Chief and Interim City Manager to discuss strategies and concerns.

Interim City Manager Gang further highlighted the events scheduled for November 12 through 18, 2023 for UAHW Week, particularly United We Heal Sound Bath, and explained that the Pinole Police Department would collaborate with the City Manager and Community Development Departments for the event scheduled for Sunday, November 19, 2023 at the Senior Center at 10:00 a.m. The event was intended for the community to be able to heal the emotional wounds caused by the impacts of hate with resources available from California Against Hate. Community members were asked to register for the event with a second event to be scheduled, if needed, in the evening.

The Police Department would also hold it's reading of the Unity Theme Story during UAHW week in partnership with the Pinole Library, scheduled for Thursday, November 16, 2023 at 10:00 a.m.

#### F. City Attorney Report

City Attorney Eric Casher reported the Project Labor Agreement (PLA) Subcommittee had recently met along with representatives from the Contra Costa and Building and Construction Trades Council, at which time he had been directed to make some updates to the draft PLA which he hoped to bring to the City Council soon for review and approval. He also reported he had been in Namibia in the past week at the invitation of the United States State Department, in conjunction with the U.S. Assembly, as a guest United States speaker on civics and the importance of local government. He briefed the City Council on the background and history of Namibia and the discussions held.

#### PUBLIC COMMENTS OPENED (Items 7E through 7F)

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

#### PUBLIC COMMENTS CLOSED

### 9. CONSENT CALENDAR

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

- A. Approve the Minutes of the Regular City Council Meeting on September 19, 2023.
- B. Receive the September 16, 2023 – October 13, 2023 – List of Warrants in the Amount of \$3,147,721.95, the September 15, 2023 Payroll in the Amount of \$508,846.89, the September 29, 2023, Payroll in the Amount of \$494,149.84, and the October 13, 2023 Payroll in the Amount of \$661,025.94 (Regular Payroll \$477,861.82 and \$183,164.12 Andrew Murray Payout)
- C. Fixing the Employer's Contribution at an Equal Amount for Employees and Annuitants Under the Public Employees' Medical and Hospital Care Act with Respect to Elected Officials, Management, Confidential, AFSCME Locals 1 and 512, PPEA and IAFF **[Action: Adopt Resolution per Staff Recommendation (Shell)]**
- D. Amending the Procurement Policy to Include Union Printer Purchasing Preference **[Action: Adopt Resolution per Staff Recommendation (Guillory)]**
- E. Letter of Support for Assembly Bill (AB) 40 Regarding Ambulance Patient Offload Time **[Action: Approve Letter of Support per Staff Recommendation (Epps)]**

- F. Placement of Liens for Delinquent Unpaid Waste Collection Charges Falling Delinquent between April and August 2023, considered at an Administrative Hearing on October 5, 2023 [**Action: Adopt Resolution per Staff Recommendation (Stone)**]
- G. Adopt a Resolution Declaring Three Police Vehicles as Surplus and Authorizing Disposal of the Real Property by Public Auction [**Action: Adopt Resolution per Staff Recommendation (Crone)**]
- H. Stormwater / Sewer Overflow Mitigation at Bay View Farm and Pinon Avenue [**Action: Adopt Proposal per Staff Recommendation (Bingman)**]

Council member Sasai requested that Item 9A be removed from the Consent Calendar for correction.

#### PUBLIC COMMENTS OPENED

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

#### PUBLIC COMMENTS CLOSED

Council member Sasai requested the following correction to the Regular City Council Meeting Minutes from September 19, 2023, to the first sentence of the last paragraph of Page 11 (Page 17 of 165 of the agenda packet), to be amended to read:

*As to the disposal of the land and other legal requirements, the purpose of the law was to further housing development and affordable housing development, and while the act did not require the property be used for housing, when the resolution referenced "other requirements" the law mandated that if one of the qualified entities responded during the initial period and developed the property for housing, 25 percent of the units must be constructed as affordable units.*

**ACTION: Motion by Council members Tave/Martinez-Rubin to approve Items 9A, as amended and Items 9B through 9H, as shown.**

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

#### 10. PUBLIC HEARINGS: None

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

## **11. OLD BUSINESS**

### **A. Sister City Policy Adoption [Action: Receive Report and Provide Direction (Rogers)]**

Community Services Director Jeremy Rogers provided a PowerPoint presentation on the Sister City Policy, which included an overview of the potential Sister City Program with the policy reviewed by the Community Services Commission which had voted to send the item to the City Council for review.

The Sister City program was an arrangement between two cities usually located in different countries, which established a formalized relationship to exchange ideas and collaborate for mutual culture and possibly economic advancement, with the program intended to promote peace through people-people relationships. The background of Sister Cities International, which oversees the Sister City program, was highlighted along with the process to develop a Sister City relationship and the advantages and opportunities provided by a Sister City program.

The Community Services Commission recommended the Sister City for the City of Pinole should be a city of similar size, similar geographic location, near water and near a large metropolis and should have the desire to enter into a Sister City relationship.

The City Council was asked to review the proposed Sister City Policy and provide direction.

Council member Martinez-Rubin commented that the 2023-2024 Fiscal Year (FY) Budget had included a Sister City Policy as a City Council directed activity. She asked the Community Services Director whether the Community Services Department could support the goals of a Sister City Program.

Community Services Director Rogers explained that many Community Services Departments in many cities oversaw the Sister City Program and it was up to the City Council to determine whether such an agreement would come to fruition.

Council member Martinez-Rubin suggested having something that comes to fruition meant implementing something that had been desired and possibly incorporated into an agreement, with the design of the program to match or complement a Sister City. She asked whether implementation of a Sister City Program would be under the purview of the Community Services Commission, staff, the City Council or a combination.

Community Services Director Rogers liked the way the policy had been laid out, with an application for a Sister City to go before the Community Services Commission first, which would review the application and vote to either approve or deny the application, and which would then be forwarded to the City Council. The City Council would decide whether to adopt an official agreement signed between two cities.

Council member Martinez-Rubin expressed concern the implementation phase of the program and scope was currently unknown. She found the implementation of a Sister City Program required ongoing fostering and a relationship with City staff and if they were to consider a complementary relationship, a subgroup of Council members and staff may provide greater

success. She understood historically there had been that type of arrangement in the past, although there had been no follow through.

Council member Martinez-Rubin could only guess that the enthusiasm and availability of Council members in the past who had proposed a Sister City relationship with a Native American Group had not been sustainable. She pointed out that Council members schedules were full and they did not always know what they would be involved in in the future. As such, she expressed concern with the sustainability of the program.

Community Services Director Rogers explained that implementation would be done by the elected body. Staff could oversee and navigate the program with implementation between the City of Pinole and the formalized Sister City, with no limitation on the number of meetings required between the two. Some Sister Cities involved once a year visits at each city respectively and implementation could be as much involved as the City Council chose.

Council member Sasai again clarified with staff the Sister City process as outlined in the PowerPoint presentation and October 17, 2023 staff report, with the associated costs for the program to depend on how much the City Council chose to spend. He asked staff what input had been provided by the Community Services Commission on the Sister City Policy.

Community Services Director Rogers reported the Community Services Commission provided little feedback on the Sister City Program and had suggested this was not as high a priority as the other community events.

Mayor Pro Tem Toms recalled years ago the City of Pinole had a Sister City relationship with the Hupa Tribe. She asked whether staff had any additional information or research on that background, and Community Services Director Rogers explained that he had obtained some information from an article from the Los Angeles Times in 1993. He had reached out to the Hupa Tribe which had no knowledge or documentation of that Sister City relationship. The City of Pinole also had no recorded documentation on a Sister City relationship with the Hupa Tribe.

Mayor Pro Tem Toms asked if the City Council adopted the Sister City Policy whether the City would be actively seeking a Sister City or whether it would evolve and happen on its own.

Community Services Director Rogers advised it would be up to the City Council. He reported that former Mayor Vincent Salimi had pursued other cities and had Sister Cities in mind to partner.

Mayor Murphy noticed some Sister City policies had allowed input from local Rotary Clubs on the decision making for the selection process and he asked whether staff had reached out to the Rotary Club of Pinole.

Community Services Director Rogers confirmed he had reached out to the Rotary Club of Pinole but the direction he had been given was to keep the selection process among the elected body/City Council. Rotarians were international and many Sister Cities had been formed with that connection, which was a possibility.

Council member Martinez-Rubin found the proposed Sister City Policy to be a compilation of the International Sister City policy and not a complete policy but a checklist of things that needed to be identified, known and addressed. She would not be able to respond to some of the questions

shown in Attachment A to the October 17 staff report, Pinole Sister Cities Policy, which would take more research.

#### **PUBLIC COMMENTS OPENED**

Rafael Menis, Pinole, commented based on his experience attending the Community Services Commission meeting when the Sister City Policy had been discussed, that the Commission had been relatively hostile to the item since they felt it would be using City funds that could be better used for other purposes. The Community Services Commission had been disinclined to engage and had passed on the Sister City Policy to the City Council since that was what was expected. He suggested the City Council should be aware of that when assigning items to the Community Services Commission. He also suggested with respect to the structuring of the draft Sister City Policy that the numbering of the individual bullet points, as shown in Attachment A, should be revised and split up with one number per sentence and not with duplicate numbering.

Mr. Menis also commented that a few Council members had an idea to potentially include people outside of the City Council to take part in the Sister City process and it would be worthwhile to have the City Council consider having that input such as from the Rotary Club of Pinole and former Mayor Salimi, who had contacts with other cities in other countries. He suggested the process, as proposed, put more work on Council members and cut out the broader community from engagement, and suggested it would be worthwhile to broaden the scope of who may propose Sister City relationships and attach someone whether a member of the City Council, a local organization or member of the public to maintain that relationship over time.

Cordell Hindler, Richmond, advised that West County cities had formed Sister City relationships with cities in other countries and had formed good relationships. He suggested it was a good idea to look to neighboring cities and see how they had formed a Sister City relationship. He also found the draft policy could be fine-tuned but he otherwise had no problem with the policy as proposed. He recommended the City Council consider the recommendations offered by Mr. Menis, such as working with former Mayor Salimi with respect to his potential contacts.

Anthony Vossbrink, Pinole, echoed the comments made by Mr. Menis and agreed the majority of the Community Services Commission did not want to take on this project or make a recommendation to the City Council. He too commented on the fact this had been a project taken on by former Mayor Salimi during the pandemic and who had contacts with other international cities, which may have benefitted him in one way or another. He suggested the City did not have the structure or financial capabilities to make this commitment, and staff had not provided any information on an exit strategy, if needed. He suggested the item be tabled, suspended or permanently dropped given other infrastructure issues that needed to be the focus of City staff and he suggested more public input on this topic should be solicited.

#### **PUBLIC COMMENTS CLOSED**

Council member Tave again verified with Community Services Director Rogers that neither the Hupa Tribe nor the City of Pinole had any records or documentation on a past Sister City relationship between the City of Pinole and the Hupa Tribe. He referenced the City Council meeting minutes from January 21, 1992, which had mentioned a luncheon.

City Clerk Heather Bell reported staff had found some documentation in the legislative record but nothing about the nature of the relationship between the City and the Hupa Tribe. A portrait from a Friendship Committee had been found and staff was trying to piece together more details. If more information was found it would be shared with the City Council.

Community Services Director Rogers stated, when asked, that he had been unable to connect with the reporter from the Los Angeles Times regarding the 1993 article referenced.

Mayor Murphy reported he had watched the Community Services Commission meeting and he thanked the Community Services Director for taking the Council direction to the Commission as a forum for introducing new ideas and concepts. He had also heard the public comments during that meeting and during this meeting, and he valued the services of the Community Services Department which had scaled up with additional community events. He understood the public wanted to learn more about collaborative partnerships, commented on the tenuous issues currently ongoing in some international communities, and while he liked the Sister City Policy, he suggested more community engagement was needed such as a public workshop where more information could be provided on why this policy was relevant to the City of Pinole and other cities. He understood the International Sister Cities Program had more information on the importance of Sister City relationships. He was also intrigued about the Los Angeles Times article and would like to know what resources the reporter had and package that into a public engagement program/workshop.

Mayor Murphy also spoke to youth engagement and a possible partnership with Pinole Valley High School, in particular with Ms. Lamons-Raiford who had a lot of connections with youth programs. He was not opposed to taking more time on this effort and creating a records management of how they got here, and create a workshop, something that would bring together cultural groups and service clubs, particularly international service clubs and students in the WCCUSD since youth was relevant to keeping such programs sustainable.

Mayor Murphy also thanked former Mayor Salimi for his work on the Sister City Program. He suggested more work needed to be done on the Sister City Policy.

Council member Martinez-Rubin commented the last time this topic had been discussed the City Council had not been keen on discussing it and had pushed it to the Community Services Commission and it had bounced back to the City Council. She had not heard a call for community engagement from the public, but she would like to see any relationship to be formed organically by the elected, particularly with neighboring cities, and to continue to support staff. Rather than have staff engage the public, she would like to see staff dedicate time to continued fostering of existing relationships and out of those include members of the public in projects already programmed who could carry them out in terms of implementation.

Council member Martinez-Rubin pointed out the Community Services Department continued to have to find funding to support its own programs and more time should be dedicated to build those programs and they should work with what they already had to have those programs shine and be inviting. While former Mayor Salimi had tried to identify a Sister City Program that had occurred during the war in Ukraine and his heart had been set on having a humanitarian effort, which was really at the federal and not the local level.

Council member Martinez-Rubin stated as a supporter of the arts, she supported cultural exchange and at a minimum wanted to foster positive relationships with any international



organization already in place. As an example, she referred to the cultural exchange student program at Pinole Valley High School, with some families hosting exchange students where the participation in that program could be increased with City-sponsored programming.

Council member Tave suggested the high school may have had a partnership since there were student exchanges in the 1990s. He suggested small cities should have those relationships but, in his opinion, more research on the history and where those partnerships could be made needed to be done. He suggested a Sister City concept was a great concept, and having a policy helped a Council member have something on paper and on the record and it was worth the effort to have. He also understood former Mayor Salimi's intent was related to the Iranian conflict and reaching out to communities in need of help and the premise to explore a Sister City, and in that tradition, the City should have a policy in place in case a Council member wanted to take the mantle and start that relationship. He suggested the Council should explore this Sister City Policy and it was part of the City's history that should be honored.

Mayor Pro Tem Toms stated for the record that former Mayor Ann Williams had proposed the Hupa Tribe Sister City relationship at the time. Based on the existing work done on a Sister City Policy, she wanted to see the City Council adopt the Sister City Policy but not implement it pending the City's ability to get its priorities in line and ensure the Community Services Department was able to do the work required for such a mission and identify the costs involved.

Mayor Murphy agreed the City Council should adopt the Sister City Policy. He suggested it was in line with the Community Services Department, historical and cultural activities and global exchange and having relationships with other civic governments would be valuable. Given the questions where it could be challenging to understand the city's policies, he would like to see more information from American cities of a size similar to Pinole and how they were implementing their Sister City Policies. He also suggested prior to the adoption of the Sister City Policy more public engagement was needed, such as assistance from Rotary Club of Pinole and cultural clubs at Pinole Valley High School.

Mayor Murphy stated as the Mayor, he was interested in supporting and leading the Sister City Program. He clarified the reason it had been assigned to the Community Services Commission was that it was the responsibility of Commissioners to review recommended policies relevant to the governing under the Community Services Department, which was part of the Pinole Municipal Code (PMC), to serve as a forum for new and innovative ideas proposed by the City Council and the Community Services Commission.

Mayor Murphy offered a motion, seconded by Council member Tave to direct staff to host a public workshop with regards to the Sister City Policy and meet with members of the Rotary Club of Pinole as well as students and youth from Pinole Valley High School, and if able meet with the former reporter from the Los Angeles Times who wrote about the City of Pinole's first Sister City relationship (who was now with the New York Times).

Mayor Pro Tem Toms advised she could provide contact information for an American Foreign Exchange (AFS) student at Pinole Valley High School and that student's host family.

**ACTION: Motion by Mayor Murphy/Council member Tave to direct staff to host a public workshop with regards to the Sister City Policy and meet with members of the Rotary Club of Pinole as well as students and youth from Pinole Valley High School, and if able, the**

**former reporter from the Los Angeles Times (now with the New York Times) who wrote about the City of Pinole's first Sister City relationship.**

**Vote:**           **Passed**           **4-1**  
                  **Ayes:**           **Murphy, Toms, Sasai, Tave**  
                  **Noes:**           **Martinez-Rubin**  
                  **Abstain:**       **None**  
                  **Absent:**       **None**

**B.       Environmentally Preferable Purchasing Policy and Program [Action: Receive Report and Provide Direction (Amin)]**

Mayor Murphy reported this item would be continued to a date uncertain with no oral staff report and presentation.

**12.     NEW BUSINESS: None**

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

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

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

Cordell Hindler, Richmond, suggested Interim City Manager Gang had done an incredible job since his selection as the Interim City Manager. He commented that when Anthony Vossbrink called in to make public comments, he had raised good points but was cut off and his comments were incomplete, whereas other Mayors in West County cities allowed the public to complete their comments, and he asked the City of Pinole to consider the same. He added he had reviewed the approved budget related to the reorganizational structure of the City government from March 2021, which should be revised and updated as part of the duties of the new City Manager. He otherwise extended an invitation to the City of El Cerrito Chamber of Commerce Mixer on October 18, 2023 at 8:00 a.m. at Jenny K. Gifts in the City of El Cerrito.

Rafael Menis, Pinole, reported a member of the community had reached out to him with some concerns that the member and others had brought up to City staff, the City Council or City Commissions at various meetings, but there had been little engagement into the decision-making process making it less likely for people to want to provide public comment which undermined the spirit of the public process.

In terms of decorum, Mr. Menis thanked the City Clerk for reaching out to him directly on the topic. Referencing the City's decision to reserve the option to cut off Zoom participation at City Council meetings if necessary due to decorum violations, which had occurred in other cities, he asked how much decorum was a thing the City may be able to enforce. As an example, if a City Council member was being attacked by someone during Citizens to be Heard based on that Council member's ancestry or identity, he asked whether the Mayor had the power to shut down those

comments as a violation of decorum or whether the comments were still within First Amendment protections.

Anthony Vossbrink, Pinole, echoed the comments of the previous speakers and commented on why there had been limited public participation during City meetings and public forums, which was a culture. He stated it was time for the City Council to address those issues and not just consider hot topics like a Sister City Policy. As an example, he cited the destruction of two sections of the bridge and guard rail, which had been damaged across from the Ellerhorst Elementary School playground near Fire Station 74, which issue had been raised with the City Council at a past meeting, had occurred over 30-days ago, had not been repaired and was not a good look for the City, with no response to the public on the status of repair. In addition, a concrete abutment over the creek had been smashed out with no danger signs or temporary cones placed in the area. He suggested Council member Martinez-Rubin should be praised for standing up to her fellow Council members to take care of some of the City's infrastructure problems amongst other things. He also asked whether the City of Pinole had received approval of a retail crime theft grant as other cities in the Bay Area had.

Mayor Murphy asked the City Attorney and City Clerk to discuss the City's model and how they had decided to move forward in the City of Pinole in terms of decorum.

City Attorney Casher reported there were decorum rules that existed for City Council meetings, rooted in the First Amendment, with some First Amendment protections available for public speakers, but which were not unlimited. If a speech from the public raised to the level of disruption or if it triggered action or an attack rising to the level of violence of something physical, the First Amendment rights of an individual would not be protected, and the microphone could be turned off or other intervention to prevent that speech from occurring. A legal memorandum had been prepared and presented to the Mayor and City Council on this issue. City staff was well aware of the issues occurring in public meetings throughout the region and the state and was prepared to address those issues on a case-by-case basis for this meeting and future meetings and staff had briefed the Council on the matter prior to the meeting.

City Clerk Bell emphasized staff had looked at the issue carefully, staff had reached out to some attendees who had routinely participated remotely with the intent to keep the hybrid model and the remote comments as an option for residents, all within the legal standards as the City Attorney had stated. The meeting agenda had been posted with comments on the first page that the virtual participation was being provided as a courtesy and the Mayor would have the discretion to suspend public comment at any time.

In terms of public comment, Mayor Murphy also noted that the former City Council had decided to amend the meeting agenda to allow a second Citizens to be Heard comment section for those who had missed the first Citizens to be Heard section. He acknowledged that oftentimes the meetings ran long and noted the agenda stated that members of the public had three minutes to speak under Citizens to be Heard or on individual agenda items. He asked staff to clarify the rules for public comment.

City Clerk Bell advised for members of the public attending whether in person or remotely and who wished to speak under the forum under Citizens to be Heard or for any item on the agenda, speakers had three minutes to speak and they tried to stick to that time limit to be fair and equitable. Members of the public had the opportunity to speak to multiple items on the Consent

Calendar, if desired, at three minutes per item. If there was a large crowd to speak for a specific item there was the flexibility to adjust the amount of time for each speaker, which decision the Mayor may make in that moment.

Interim City Manager Gang responded to the public comment about not getting responses back from staff and commented it was possible through the current City Manager transition that staff comments may not have gotten back to the members of the public. He encouraged the members of the public to reach out to the individual Department Head first and if there was no response to contact him directly either via email or by telephone.

City Attorney Casher reported on the recent passing of Michael Riback, former City Attorney for the City of Pinole from 1997 to 2004, former Assistant City Attorney for the City of Pinole prior to that time and one of the founding partners of Meyers, Nave. He asked that the meeting adjourn in acknowledgement of his services to the City of Pinole.

Mayor Murphy also acknowledged the loss of lives in Israel and Palestine with the meeting to adjourn in memory of those who had been lost in Israel and Palestine.

- 14. ADJOURNMENT** to the Regular City Council Meeting of November 7, 2023 in Remembrance of ***Amber Swartz, Gena Stewart, Michael Riback*** and in ***Memory of those who had been lost in Israel and Palestine.***

At 9:45 p.m., Mayor Murphy adjourned the meeting to the Regular City Council Meeting of November 7, 2023 in Remembrance of ***Amber Swartz, Gena Stewart, Michael Riback*** and in ***Memory of those who had been lost in Israel and Palestine.***

Submitted by:



---

Heather Bell, CMC  
City Clerk

Approved by City Council: November 7, 2023