

CITY COUNCIL MEETING
MINUTES
June 15, 2021

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

The City Council Meeting was held via Zoom videoconference and broadcast from the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Martínez-Rubin called the Regular Meeting of the City Council to order at 5:00 p.m. and led the Pledge of Allegiance.

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

A. COUNCILMEMBERS PRESENT

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

B. STAFF PRESENT

Andrew Murray, City Manager
Heather Iopu, City Clerk
Assistant City Attorney Alex Mog
Hector De La Rosa, Assistant City Manager
Misha Kaur, Senior Project Manager
Tamara Miller, Development Services Director/City Engineer
Markisha Guillory, Finance Director

City Clerk Iopu announced the agenda had been posted on June 11, 2021 at 6:00 p.m. All legally required notice was provided with revised reports subsequently published for Items 7B and 7E.

Following an inquiry to the Council, Mayor Pro Tem Salimi reported a potential conflict with Item 7D due to the location of his residence and asked Assistant City Attorney Mog to provide clarification regarding his potential conflict of interest.

Assistant City Attorney Mog reported the Fair Political Practices Commission (FPPC) had provided the City Attorney's Office an advice letter regarding the Faria House and stated that Mayor Martinez-Rubin and Mayor Pro Tem Salimi would not have a conflict of interest under the Political Reform Act and decisions regarding whether or not to fund the renovation of the Faria House.

3. CONVENE TO A CLOSED SESSION

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

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code § 54957
Title: City Manager
- B. CONFERENCE WITH LABOR NEGOTIATORS
Government Code § 54957.6
Title: City Manager
Agency designated representatives: City Manager Murray, Assistant City Manager De La Rosa, City Attorney Casher, Gregory Ramirez (IEDA)
Employee organization: Larry Menth IAFF

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

At 7:34 p.m. Mayor Martinez-Rubin reconvened the meeting to open session and announced there was no reportable action from the Closed Session.

5. CITIZENS TO BE HEARD (Public Comments)

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

The following speakers submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Cordell Hindler, David Ruport, Debbie Long, Ivette Ricco, Rafael Menis, Roy Swearingen, and Sal Spataro.**

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamations

None

- B. Presentations / Recognitions
 - 1. Employee Recognition

City Manager Murray provided a PowerPoint presentation of Employee Recognition of City employees who had either retired or were new hires in 2021 in the Community Development, Police, and Fire Departments, with all employees recognized for their milestones.

The City Council also expressed its appreciation and wished well all retirees and welcomed the new City employees.

7. CONSENT CALENDAR

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

The following speaker submitted written comments related to item 7E that were read aloud and will be filed with the agenda packet for this meeting: **Rafael Menis**

- A. Approve the Minutes of the Meeting of April 20, 2021.
- B. Receive the May 29, 2021 – June 11, 2021 List of Warrants in the Amount of \$125,083.41 and the June 11, 2021 Payroll in the Amount of \$570,164.58.
- C. Resolution Confirming Continued Existence of Local Emergency. **[Action: Adopt Resolution per Staff Recommendation (Casher)]**
- D. Resolution Approving a Purchase and Sale Agreement by and Between the City of Pinole and E.J.Y. Smith for the Sale of Property Located at 612 Tennant Avenue (APN: 401-142-011) and Authorizing the City Manager to Execute the PSA and an Affordable Housing Regulatory Agreement in Such Form as Approved by the City Attorney and the City Manager **[Action: Adopt Resolution per Staff Recommendation (De La Rosa)]**
- E. Adopt a Resolution Approving a Revised Compensation and Benefits Plan for Management and Confidential Employees **[Action: Adopt Resolution per Staff Recommendation (Murray)]**

City Manager Murray provided clarification on Item 7E related to the terms of the Plan with additional follow-up conversations available to Mr. Menis.

Mayor Pro Tem Salimi requested Item 7E be removed from the Consent Calendar for discussion, and reported he would recuse himself from voting on Item 7D due to a potential conflict of interest given the proximity of his residence.

Council member Murphy requested Item 7C be removed from the Consent Calendar for discussion. He asked the City Manager to provide an update on the local emergency with Mr. Murray reporting the City Attorney intended a future agenda item to discuss the resolution of local emergency as to what it had enabled the City to do, what had changed recently in terms of State regulations and what it would mean for the City to no longer recognize the local emergency. He reported that all of the City's recreation programs and facilities had essentially reopened on a limited basis. City Hall Offices were open to walk-in customers although many services were still performed by appointment only.

Assistant City Manager Hector De La Rosa provided an update on the specific status and limitations for the City's recreation programs.

Mayor Pro Tem Salimi clarified with Mr. Murray the details of Exhibit A as part of Item 7E, specifically the established salary ranges. He requested a total compensation benchmark for Item 7E to also include information as to how the salaries compared to the compensation benchmark study in terms of the median salary range. He offered a motion to conduct the compensation benchmark study prior to the City Council's action to approve Item 7E. Once that information was available, he wanted to see the salary range match the studies and at the very least reach the median, particularly if the salaries were found to be below the median range.

City Manager Murray explained the City Council was not limited and may change the future salary ranges. He hoped to have the compensation plan updated today since it was tied into compliance with State regulations. He recommended the City Council move forward with the adoption of the current version in Item 7E and then provide direction on recommended changes. Also, as part of the upcoming discussion of Item 10F, the City Council may discuss the possibility of expanding the funding for a total compensation benchmark study to include the management compensation plan classifications.

Assistant City Manager De La Rosa added the City was in the process of preparing a total compensation plan for all staff other than management staff. Including management staff could cost another \$11,000 to \$12,000 beyond the \$22,000 that had already been approved. Results from a total compensation plan could take four to six weeks.

City Manager Murray clarified the discussion would be a Closed Session item as related to personnel matters and labor negotiations and direction would be sought from the Council, with staff to return with a Revised Management Compensation Plan for consideration during an open session. Staff would confirm with the consultant conducting the initial study whether or not they could include a total compensation benchmark and also confirm scheduling to better define the timeline when that information would be brought back.

Mayor Pro Tem Salimi hoped to see the information by October 2021.

ACTION: Motion by Council members Toms/Tave to Approve Consent Calendar Items A, B, C, and E.

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

ACTION: Motion by Councilmember Toms/Mayor Martinez-Rubin to Approve Consent Calendar Item D.

Vote:	Passed	4-0-1
	Ayes:	Martinez-Rubin, Tave, Murphy, Toms
	Noes:	None
	Abstain:	Salimi
	Absent:	None

8. PUBLIC HEARINGS

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

None

9. OLD BUSINESS

None

10. NEW BUSINESS

- A. Approve the City of Pinole Fiscal Year (FY) 2021-22 through 2025-26 Five-Year Capital Improvement Plan and Adopt the FY 2021-22 Capital Budget **[Action: Adopt Resolution per Staff Recommendation (Miller)]**

Senior Project Manager Misha Kaur provided a PowerPoint presentation of the City of Pinole's Fiscal Year (FY) 2021-22 through 2025-26 Five-Year Capital Improvement Plan and FY 2021-22 Capital Budget.

The following speakers submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Susyn Normington, Alexander Jason, Allen Faria, Angela Schneider, Arnold J. Ode, Avram Gimbel, Belinda Espinosa, Ben Doyle, Bob Moore, Bruce and Sandra Beyaert, Carole Whitmarsh, Cathy Murray, Chris Wimmer, Christina Saballos, Chuck Dadisman, Cynthia Christian, Colleen Tipp, Cindy Sprinkel, Darlene Davidson, Deanna Brownlee, Diane DeSilva-Dyer, Dolores Faria Lucas, Donald Bastin, Dyana Wing So, Earl Combs, E. Villareal, Mariotti Family, Erin Hallisy, Estela DePaz, Eugene Stone, Francine Silver, Frederic Hollister, Gary Tipp, George R. Vincent, Ivette Ricco, Janice Torbet, Jeff Rubin, Jennifer Cote, Payne Family, Joann Gannotti, Joel L. Gannotti, John Schilt, John V. Robinson, John Ziesenhenn, Jonay Brownlee, Juliana Jason, Kathleen Kelley, Christina and Roy Javellana, Kurt Pless, Laurelle Martin, Linda Jane Kole, Lino Amaral, Mary Drazba, Mary Egger, Melissa Lawton, Michael Lefebvre, Michele Prather, Michelle Rosales, Natalie Lenz-Acuna, Nita Jason, Pam Patzlaff, Paula Harvey, Peter Murray, Rafael Menis, Robin Raber-Luna, Ronnie Fallaha, Sal Spataro, Sandy and Greg Glantz, Sharon Lefebvre, Shirley Ramos, Steve Linstad, Steven James, Steve Morrow and Warner and Mary McMains.**

City Manager Murray, Senior Project Manager Kaur, Assistant City Manager De La Rosa, and Development Services Director/City Engineer Tamara Miller responded to comments and questions from the Council on the presentation, specifically questions related to the Faria House Renovations, grant fund opportunities, details of the Measure S 2006 and Measure S 2014 Five-Year Funding Plans adopted in 2019 and attached to the agenda item, status of Americans with Disabilities Act (ADA) improvements completed or planned in the future, need for the Council to prioritize competing projects with the Council asked to approve funding for one year of the CIP and the concepts of the CIP over five years with staff able to work on additional definitions for the out years for long-term planning processes, and with the Council asked to provide direction on what the capital budget and expenses would be for this year to allow staff to prepare a capital plan for the next four years. Staff advised the documents would likely change pending the results of the assessment analysis.

Staff also identified \$42 million as the minimum needed for the City to repair its roads to an average Pavement Condition Index (PCI) of 85, which was the City Council's target standard as part of its long-term financial planning process, and the City Council wanted to know where the revenue would come from which had been discussed as part of the Long-Term Financial Plan. Clarification was also provided on the history and status of the Brandt Court cul-de-sac, Rule20A funds, and clarified the budget would need to be revised once the City received its American Rescue Plan Act (ARPA) funds. The use of Park Dedication Fees, other fund balances which the

City Council had the opportunity to use for other projects, Emergency Power for Critical City Facilities, Tree Maintenance Program, and the Beautification Ad Hoc Committee recommendations, which were all unfunded projects were highlighted.

Given the lateness of the hour, Mayor Martinez-Rubin advised a motion to extend the meeting was required. She hoped the City Council would be able to complete the discussion of Item 10A although the remaining agenda items would likely be continued to a Special City Council Meeting.

ACTION: Motion by Council member Murphy/Mayor Martinez-Rubin to Extend the City Council Meeting to 11:30 p.m.

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

Further responding to the Council, City Manager Murray reported the Finance Subcommittee had recommended that some of the Beautification Ad Hoc Committee recommendations be included in the Operating Budget, and had recommended \$60,000 be included in the budget for the non-capital recommendations, to include an education awareness campaign, art program, and community clean-up event. The items had been included in the Operating Budget.

Director Miller also provided an overview of the Park Master Plan, potential consideration of an informal community garden which could be formalized through the Park Master Plan, informally or formally and/or both with options to be presented to the City Council in the future. Grant funding had been earmarked for the bocce ball courts and auxiliary parking lot adjacent to the Senior Center and the City must reach 90 percent design completion for the project by December 31, 2021 to comply with the requirements of the State grant. The background of the Fowler House and a prior Council Ad Hoc Committee recommendation to use the former Fowler House as a parking lot and to move forward with the bocce ball court were highlighted. While it may be feasible to repurpose the grant for some other purpose, staff would have to clarify that information. Staff also clarified that Measure S funding would be necessary for the project since the bocce ball court would exceed the grant funding available.

Details of the electric vehicle charging stations were also provided with \$20,000 earmarked for the project with a grant from Marin Clean Energy (MCE), with the number of charging stations to depend on the location and with all charging stations to be open to the public. The cost of solar as part of the auxiliary parking lot was being discussed and evaluated by staff as part of the design for the project, and would return to the Council as the project scope evolved.

ACTION: Motion by Council members Murphy/Tave to Extend the City Council Meeting to 12:00 a.m.

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

As to the potential for building municipal broadband, City Manager Murray reported the Finance Subcommittee discussed the subject and staff recommended this topic be addressed by the consultant who would prepare the Economic Development Strategy, with municipal broadband to be developed as a business development tool for private businesses and a revenue generating mechanism for the City. The Finance Subcommittee decided not to take action and rely on the Economic Development Strategy.

Director Miller provided further details on the City's sidewalk program and stated the Council had committed \$20,000 a year as part of the Measure S Funding Plan. She also clarified the General Plan had made a commitment to provide all weather access on some fire roads in the open space areas.

The City Council expressed its appreciation to staff and the Finance Subcommittee for the work on the CIP and Capital Budget documents, thanked staff for adding the unfunded project list and recognized staff was waiting for guidance regarding use of the ARPA funds.

At this time, Mayor Martinez-Rubin asked the City Council to discuss the Unfunded Project List and provide consensus for each item.

Mayor Martinez-Rubin made a motion, seconded by Council member Toms to move the Faria House Funding to the Funded List and appropriate \$1.5 million from the General Fund Balance.

On the motion, Mayor Martinez-Rubin explained that her motion did not mean the money would be spent, she recognized more work would be required to refine the actual costs, did not suggest the use of Measure S funds, but supported contributions towards that fund balance including one-time funds as part of redevelopment.

City Manager Murray confirmed there was an unassigned fund balance in the General Fund separate from Measure S that could be used for any lawful purpose. The City had received funds from the sale of former redevelopment properties and it was anticipated the General Fund would receive proceeds from future sales of remaining former redevelopment properties in an amount that exceeded \$1.5 million over the life of redevelopment. There would be adequate funds in Measure S funds as well.

Council member Tave suggested that \$1.5 million was the equivalent of the Measure S funds and while he could support a hazmat study, security system and improvements to the building to allow someone to walk inside, he recommended a reduced number.

Director Guillory provided the estimated total in the three funds being discussed for FY 2021-22.

Council member Toms supported funding for the Faria House, the high-capacity solar powered compacting trash bins at City parks and adding broadband to the unfunded project list. The ADA ramps on the list qualified for other funding sources and could remain on the unfunded list.

Council member Murphy prioritized emergency power for critical city facilities, installation of the high-capacity solar powered compacting trash bins at City parks, and the electric vehicle charging stations in City lots from the unfunded project list to the funded list.

Council member Tave concurred with the comments but would rather see the City Council set aside funding that could actually execute the projects.

City Manager Murray clarified the proceeds from the sale of former redevelopment properties would net the City the same portion of the proceeds it received from a normal property tax, which was around 19 percent. Those monies would come back to the City in the General Fund and could be spent on anything.

Assistant City Manager De La Rosa provided updated figures on the sale of former redevelopment properties.

ACTION: Motion by Mayor Martinez-Rubin/Council member Toms to Move the Faria House Funding to the Funded List and Appropriate \$1.5 Million from the General Fund Balance.

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

ACTION: Motion by Council members Tave/Murphy to Extend the City Council Meeting to 12:30 a.m.

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

Mayor Pro Tem Salimi asked that the Brandt Court cul-de-sac be added to the CIP. From the Unfunded Project List, he supported adding the Faria House renovations and the installation of high intensity/activated crossWALK (HAWK) to the Funded List.

Council member Tave identified the following projects on the Unfunded List he wanted to see added to the Funded List, UF001, Faria House Renovations; UF003, Emergency Power for Critical Facilities; UF004, Charging Stations in City Lots; UF007, Dog Park Restroom Replacement; UF009, Eucalyptus Grove Restoration; UF010, Fernandez Park Grandstand Improvement; UF011, Repave Trails; UF012, ADA Ramps; UF015, Installation of High Intensity Activated CrossWALK (HAWK); UF016, Pavement Maintenance; UF023, Tree Master Plan; UF024, Installation of High Capacity Trash Bins; and UF026, All Access Weather Roads. He also supported the addition of the Brandt Court cul-de-sac, municipal broadband and recycled water projects to the Funded List.

Council member Murphy also supported UF001, UF003, UF024, and UF025, Installation of Solar at City Facilities and recommended new project Nos. UF028, Municipal Broadband, UF029, Brandt Court Cul-de-sac and UF030, Recycled Water.

Mayor Martinez-Rubin offered a motion, seconded by Council member Murphy to move the items the majority of the City Council had overlapped to be moved from the Unfunded List to the Funded

List (identified as Project Nos. UF001, Faria House Renovations, UF003, Emergency Power for Critical Facilities, and UF024, Installation of High Capacity Trash Bins.)

Council member Murphy offered an amendment to the motion to add new Project Nos. UF028, Municipal Broadband and UF029, Brandt Court Cul-de-sac to the CIP as Unfunded projects.

Council member Toms suggested UF030, Recycled Water also should be added to the Unfunded List and there was consensus to add the project to the Unfunded List.

The motion was restated with Council member Murphy making a new motion, seconded by Mayor Martinez-Rubin to Add UF001, Faria House Renovations, UF003, Emergency Power for Critical Facilities, and UF024, Installation of High Capacity Trash Bins to the Funded CIP for FY 2021-22.

On the motion, City Manager Murray advised that staff would eventually need to know the funding amounts to be allocated for each item and cost estimates. He recommended a placeholder could be added and the projects could be moved to the Funded List.

Further discussing the motion and in response to the staff comments, rather than identify appropriation amounts in the motion, Council member Tave recommended staff return once the cost estimates had been identified, although the Mayor noted there was adequate information to identify the appropriation amounts at this time.

Mr. Murray confirmed the City Council may appropriate the amount of funding for any of the projects as part of the CIP. Moving projects to the Funded List meant appropriating funding for Faria House Renovations, for instance, and while a cost estimate had already been identified for a specified scope of work for that project, any change in the scope would have to be defined. At this time there was no idea of a cost estimate for UF003, Emergency Power for Critical Facilities since an assessment of City facilities had yet to be done.

The City Council discussed potential appropriations for UF003, Emergency Power for Critical Facilities with consensus for an appropriation of \$200,000. The City Council continued to discuss possible appropriations for UF001 and UF024.

Council member Murphy expressed the willingness to withdraw his motion and propose a new motion. He requested additional information from staff related to UF024 and asked the number of trash bins that would be provided as part of the project. He requested additional information related to the continued discussions of the Faria House Renovations.

Mayor Martinez-Rubin pointed out the funding for UF001, Faria House Renovations was available this year, referenced the public support for the project, and did not want to defer the project.

Council member Murphy clarified when asked by the Mayor Pro Tem that his current motion was not to fund any of the projects at this time.

Mayor Martinez-Rubin offered an amendment to the motion to have the projects previously identified as UF001, Faria House Renovations, be funded in the amount of \$1.5 million; UF003, Emergency Power for Critical Facilities be funded in the amount of \$200,000; and UF024, Installation of High Capacity Trash Bins be funded in the amount of \$425,000.

Council member Murphy stated he would withdraw his motion at this time but when asked by the City Clerk he restated his original motion for consideration.

ACTION: Motion by Council members Murphy/Toms to Add UF001, Faria House Renovations; UF003, Emergency Power for Critical Facilities; and UF024, Installation of High Capacity Trash Bins to the Funded CIP for FY 2021-22.

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

ACTION: Motion by Council members Toms/Tave to Add UF028, Municipal Broadband; UF029, Brandt Court; and UF030, Recycled Water to the Unfunded List.

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

ACTION: Motion by Mayor Martinez-Rubin/Mayor Pro Tem Salimi to Extend the City Council Meeting to 1:00 a.m.

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

Mayor Martinez Rubin offered a motion, seconded by Council member Toms to appropriate \$1.4 million for UF001, Faria House Renovations; appropriate \$200,000 for UF003, Emergency Power for Critical Facilities (Funding Source: Unassigned Fund Balance); and appropriate \$425,000 for UF024, Installation of High Capacity Trash Bins (Funding Source: Solid Waste Fund).

The City Council discussed the motion, appropriation amounts and funding sources and there was concern with the appropriation proposed for the Faria House, a City-owned property that had fallen into disrepair. Although there was a recommendation from Council member Murphy to vote on the Faria House separately, the Mayor and Council member Toms pointed out the project had been deferred for years for many reasons, with clarification that if the funds were allocated over a period of years more funds would have to be appropriated due to escalating costs. Council member Tave disagreed that the appropriation for the Faria House from the General Fund was appropriate, and while he recognized the importance of the building he urged careful consideration of the expenditure of City funds.

ACTION: Motion by Mayor Martinez-Rubin/Council member Toms to Appropriate \$1.4 Million for UF001, Faria House Renovations; Appropriate \$200,000 for UF003, Emergency Power for Critical Facilities (Funding Source: Unassigned Fund Balance) and Appropriate \$425,000 for UF024, Installation of High Capacity Trash Bins (Funding Source: Solid Waste Fund).

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

Assistant City Attorney Mog clarified the City Council had already approved a motion to add UF028, Municipal Broadband; UF029, Brandt Court; and UF030, Recycled Water to the Unfunded List and it was not necessary to add any numbers at this time.

Mayor Pro Tem Salimi offered a motion, seconded by Council member Tave to add UF029, Brandt Court to the Funded List.

On the motion, Council member Tave recommended an appropriation of \$120,000 as a placeholder for UF029 Brandt Court, and the Council discussed the pros and cons of completing the Brandt Court cul-de-sac and received information from staff on the history of Brandt Court.

On the discussion, Assistant Attorney Mog understood there was an amendment by Council member Tave to the motion offered by the Mayor Pro Tem to add UF029 Brandt Court to the Funded List, for the repavement of Brandt Court, with funding in the amount of \$120,000 (Funding Source: Unassigned General Fund Balance).

Mayor Pro Tem Salimi accepted the amendment to the motion and clarified the \$120,000 was only for the pavement although the community sought the completion of the cul-de-sac, which he continued to advocate.

ACTION: Motion by Mayor Pro Tem Salimi/Council member Tave to Add UF029, Brandt Court to the Funded List for the Repavement of Brandt Court, with funding in the amount of \$120,000 (Funding Source: Unassigned General Fund Balance).

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

Assistant City Attorney Mog advised the Council may make a motion to add the reconstruction of the Brandt Court cul-de-sac to the Funded List with an amount, and whether or not the City was able to purchase the property for that amount depended on a number of factors.

Mayor Pro Tem Salimi did not want to identify a specific amount if the issue required Closed Session discussion.

Assistant City Attorney Mog noted to be included on the Funded List the project would require a funding amount. It did not mean the number was a commitment on the City's part to spend that amount given the Council may amend the budget and may not agree to a purchase agreement in the amount specified.

City Manager Murray suggested the dollar amount would be handled through Closed Session negotiations. He recommended the project be added to the Funded Project List with a placeholder amount that would not commit the City to anything; Director Miller provided additional information and sought direction from the Council whether to pursue a centered or a left-handed court for Brandt Court; and Mayor Pro Tem Salimi stated a preference for a centered court as desired by the neighbors.

Mayor Pro Tem Salimi offered a motion, seconded by Council member Murphy to Complete the Brandt Court cul-de-sac (UF029) in the amount of \$50,000 (Funding Source: Unfunded Fund Balance).

Council member Toms could not support the motion since the acquisition of right-of-way (ROW) required significant staff time at great expense that benefitted a small number of neighbors. She suggested the existing rolled curb served its function and was adequate for emergency access.

ACTION: Motion by Mayor Pro Tem Salimi/Council member Murphy to Complete the Brandt Court cul-de-sac (UF029) in the amount of \$50,000 (Funding Source: Unfunded Fund Balance).

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

ACTION: Motion by Council member Toms/Mayor Pro Tem Salimi to Extend the City Council Meeting to 1:15 a.m.

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

Council member Murphy offered a motion, seconded by Mayor Pro Tem Salimi to Add UF028, Municipal Broadband to the Funded List with an Appropriation Amount of \$60,000 (Funding Source: Measure S).

Director Miller reported the ARPA would be focused on broadband.

ACTION: Motion by Council member Murphy/Mayor Pro Tem Salimi to Add UF028, Municipal Broadband to the Funded List with an Appropriation Amount of \$60,000 (Funding Source: Measure S).

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

Council member Tave offered a motion, seconded by Mayor Pro Tem Salimi to Add UF030, Recycled Water to the Funded List with an Appropriation Amount of \$200,000 (Funding Source: Unassigned Fund Balance).

Mayor Martinez-Rubin suggested the appropriation amount be reduced to \$100,000 and Assistant City Attorney Mog advised that ARPA funds may be available for this project.

City Manager Murray was not clear on the deliverables for UF028 and UF030 other than the Council direction to staff to come back with a plan on what could be done with the identified amount of funding. The projects were not well defined nor costs identified. Staff would have to come back with a schedule given the additional projects added to obtain direction from the Council since he was uncertain staff could achieve the projects in one year.

Council member Toms suggested either a consultant or an on-call engineer be considered to advance the projects, which could be discussed as part of the operating budget.

ACTION: Motion by Council member Tave/Mayor Pro Tem Salimi to Add UF030, Recycled Water to the Funded List with an Appropriation Amount of \$200,000 (Funding Source: Unassigned General Fund Balance).

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

City Clerk Iopu advised another motion would be required to adopt the resolution in the staff report including the approval of the amendments that had been made individually.

Assistant City Attorney Mog stated the resolution had combined the Five-Year Capital Improvement Budget Plan and the Capital Budget. He recommended the resolution shown in Attachment C to the staff report be revised with modifications to Page 1, Section 2 with the appropriations to match the items previously approved by the City Council at this meeting. The motion would be to adopt the proposed resolution with changes to reflect the previous additions requested by the City Council during this meeting.

ACTION: Motion by Mayor Martinez-Rubin/Council member Toms to Adopt a Resolution Approving the Fiscal Years 2021-22 Through 2025-26 Five-Year Capital Improvement Budget Plan and Adopting the Fiscal Year 2021-22 Capital Budget, subject to the changes approved by the City Council.

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

Mr. Murray clarified the motion was the approval of the CIP, as amended by the City Council per the discussion, which did not have to come back, with the adopted CIP to be shared with the City Council, and if the Council wanted to make any clarifying changes it could do so as a future agenda item.

ACTION: Motion by Council member Murphy/Mayor Pro Tem Salimi to Extend the City Council Meeting to 1:30 a.m.

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

Mayor Martinez-Rubin offered a motion, seconded by Council member Tave to continue Agenda Items 10B through 10F to a Special Meeting of the City Council scheduled for June 29, 2021.

Council member Murphy recommended a Special Meeting of the City Council on a Saturday or a Special Meeting scheduled for June 26, 2021, but Mayor Martinez-Rubin stated the Special Meeting schedule for June 29 had been on the Council forecast and had been posted on the City website and she preferred that meeting date.

ACTION: Motion by Mayor Martinez-Rubin/Council member Tave to Continue Agenda Items 10B through 10F to a Special Meeting of the City Council scheduled for June 29, 2021.

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

- B Fiscal Year (FY) 2020-21 Annual Review of Utility User's Tax (UUT) and Adoption of Resolution Modifying Household Income Eligibility Thresholds for Utility Users' Tax Exemptions for FY 2021-2022 [**Action: Adopt Resolution per Staff Recommendations (Guillory)**]
- C. Review and Approve Master Fee Schedule [**Action: Adopt Resolution per Staff Recommendation (Guillory)**]
- D. Adopt a Resolution Establishing the Fiscal Year (FY) 2021-22 Appropriations Limit [**Action: Adopt Resolution per Staff Recommendation (Guillory)**]

- E. Approve Financial and Investment Policies for Fiscal Year 2021-22 **[Action: Adopt Resolution per Staff recommendation (Guillory)]**
- F. Review Final Proposed Fiscal Year (FY) 2021-22 Operating and Capital Budget **[Action: Adopt Resolution Approving Final Proposed FY 2021-22 Operating and Capital Budget per Staff Recommendation (Guillory)]**

Items 10B through 10F were continued to a Special Meeting of the City Council scheduled for June 29, 2021.

11. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Martinez-Rubin announced her attendance at the Mayors' Conference with Contra Costa County Supervisor Diane Burgis having proposed an amendment to the County Ordinance related to fireworks; and participated in the Revenue Taxation Policy Committee sponsored by the League of California Cities with agreement on a study of the effects of temporary population shifts and how they may affect the dollar amount allocated by the State for road and street related projects. She had also attended a meeting of the Western Contra Costa Transit Authority (WestCAT) with an update provided on the work of the Blue Ribbon Transit Recovery Task Force and how it may impact WestCAT. She reminded everyone that although the State had reopened everything on June 15, there was still a pandemic and she urged everyone to remain compliant with public health guidelines.

B. Mayoral & Council Appointments

None

C. City Council Committee Reports & Communications

Council member Murphy reminded everyone that Contra Costa Health Services had a mobile vaccine clinic, with more information available on the County website; the regularly scheduled Marin Clean Energy (MCE) Board meeting had been canceled for the month but he encouraged residents who may need it to consider the MCE Cares Program and he invited the public to participate in a 350 Contra Costa panel for Leadership on Climate Resilience, a Local Government Perspective on Monday June 21 from 5:00 to 6:30 p.m.. He also commended the City Council for being ahead of the curve on Juneteenth which had now been designated a federal holiday.

Council member Tave reported that the West Contra Costa Integrated Waste Management Authority (WCCIWMA) had held a recent mattress drop-off event and thanked the community for its participation. Another hazardous waste event had been scheduled in the City of Hercules and he provided a flyer to the City Manager for circulation to the City Council. He had also attended a League of California Cities Government Transparency Labor Committee (GTLC) meeting and briefed the Council on the discussions, with information from the presentation provided to City staff to be distributed to the City Council.

Council member Toms stated she would provide a report on her attendance of the Housing Committee at the next City Council meeting. She announced a cooling center had been provided in the City of Hercules at 151 Linus Pauling Drive from 8:00 a.m. to 5:00 p.m., Thursday and Friday and possibly Wednesday; and the Pinole Police Department would participate in the Law Enforcement Torch Run for the Special Olympics on June 22.

D. Council Requests for Future Agenda Items

Council member Tave requested a future agenda item for the preparation of a support letter for Assembly Bill (AB) 570, Dependent Parent Health Coverage. Consensus given.

Mayor Martinez-Rubin requested a future agenda item for Fire Chief Wynkoop and Police Chief Gang to look at the County Ordinance related to fireworks and report back to the City Council whether or not it would be reasonable to create or modify an ordinance tailored to the City of Pinole. Consensus given.

E. City Manager Report / Department Staff

City Manager Murray announced the phased approach reopening efforts related to COVID-19, thanked staff for the preparation of the CIP, and looked forward to the continued discussions of the budget on June 29.

F. City Attorney Report

None

12. ADJOURNMENT to a Special City Council Meeting of June 29, 2021 in Remembrance of Amber Swartz.

At 1:30 a.m. Mayor Martinez-Rubin adjourned the meeting to the Special City Council Meeting of June 29, 2021 in Remembrance of Amber Swartz.

Submitted by:



Heather Iopu, CMC
City Clerk

Approved by City Council: August 17, 2021

