

# CITY COUNCIL MEETING

## MINUTES

December 7, 2021

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

The City Council Meeting was held via Zoom videoconference and broadcast from the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Martínez-Rubin called the Regular Meeting of the City Council to order at 6:01 p.m. and led the Pledge of Allegiance.

### 2. LAND ACKNOWLEDGEMENT

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

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

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

#### A. COUNCILMEMBERS PRESENT

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 Bell, City Clerk  
Eric Casher, City Attorney  
Hector De La Rosa, Assistant City Manager  
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on Thursday, December 2, 2021 at 4:00 p.m. All legally required notice was provided. No written comments had been received in advance of the meeting.

Following an inquiry to the Council, 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.

None

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

There was no 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.*

Cordell Hindler, Richmond, asked the City Council to consider a future agenda item for a presentation from Ken Kirkey with All Home regarding homelessness, and that the budget be re-agendized to allow for discussion on City positions. While he missed the Holiday Tree Lighting ceremony, he looked forward to an in-person event in 2022.

Rafael Menis, Pinole, reported on the County's overall progress on the Coronavirus and percentages of Pinole residents who had been fully and partially vaccinated. He urged those who had received their vaccines six months ago to receive a booster shot pursuant to the overall recommendations from health officials. He also expressed his appreciation to Christy Lamb Julian for her work on getting student participation for the Holiday Tree Lighting Ceremony.

Anthony James, Pinole, understood that a meeting with Caltrans had been scheduled which he asked to be open to the public to allow for community input, particularly since the overhead lights on the freeway underpass remained inoperable, an issue that had been identified for some time with no resolution. He also sought a joint effort between the City of Pinole and Caltrans to widen the off-ramp beyond the Jack in the Box to three lanes to alleviate traffic back-ups. In addition, he asked the status of the vacant caretakers' home on Adobe Road and the illegal dumping of wood chips on that property.

Lisa Stramm, a resident of San Francisco, congratulated Council member Murphy.

Debbie Long, Pinole, reminded everyone of Pearl Harbor on December 7, 1941 and asked for an acknowledgement at the end of the meeting and a Moment of Silence to those who lost their lives that day. While she was not going to comment on Council member Murphy not standing for the flag during the Pledge of Allegiance, she found it ironic that on this date he would be sworn in as Mayor Pro Tem. She asked that Council member Murphy reflect on that event on this day. She also expressed her congratulations to Mayor Pro Tem Salimi on his new position as Mayor once he was sworn in and looked forward to his tenure at the helm.

Alfred Twe, congratulated Council member Murphy for all of his work.

Nicole Bolden, offered her congratulations to Council member Murphy on his impending role and wished him well.

City Manager Andrew Murray was unaware of the upcoming Caltrans meeting a member of the public had referenced, although he reported that City staff regularly communicated with Caltrans regarding residents' concerns with respect to congestion on I-80, mobility challenges, congestion

on local roads due to the congestion on I-80, the metering system and litter from the freeway that impacted the community. City staff had recently met with Caltrans to discuss these issues and would be further discussing Caltrans' initiatives. While none of the City's ongoing studies involved Caltrans, the City did have a number of traffic monitoring efforts moving forward. Interested parties were encouraged to e-mail him to follow-up on any issues.

## 7. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

### A. Proclamations

None

### B. Presentations / Recognition

None

## 8. 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.*

### PUBLIC COMMENTS OPENED

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

### PUBLIC COMMENTS CLOSED

- A. Approve the Minutes of the Meeting of October 19, 2021 and November 6, 2021
- B. Receive the November 13, 2021 – December 3, 2021 List of Warrants in the Amount of \$783,641.61 and the November 26, 2021 Payroll in the Amount of \$471,266.05
- C. Resolution Confirming Continued Existence of Local Emergency [**Action: Adopt Resolution per Staff Recommendation (Casher)**]
- D. Ordinance Adding Chapter 8.10, Organics Reductions and Recycling Ordinance, to the Pinole Municipal Code [**Action: Second Reading and Adoption per Staff Recommendation (Casher)**]

**ACTION: Motion by Council members Murphy/Toms to Approve Consent Calendar Items 8A through 8D, as shown.**

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

## **9. COUNCIL REORGANIZATION**

### **A. Presentations to Mayor Martinez-Rubin**

City Manager Murray presented Mayor Martinez-Rubin a small vase with an inscription in recognition of her service as the Mayor for the City of Pinole. He thanked Mayor Martinez-Rubin for her dedication and service and stated it had been a pleasure working with her as the Mayor.

Mayor Martinez-Rubin thanked the City Council and staff for the vase. She commented on the City Council's efforts over the past year to work together and to be collaborative. She acknowledged the new staff and a new City Manager despite the COVID-19 pandemic, and spoke to the American Rescue Plan Act (ARPA) funds which would help the City continue its progress and be able to complete items that had been identified in the Strategic Plan. As Mayor, she had worked to be efficient, had grown during her Mayorship, and recognized a lot of what had been accomplished as Mayor was working with the entire City Council. She expressed her appreciation to the City Council and staff and looked forward to continuing to serve and represent the City of Pinole as a member. She thanked her husband, Jeff Rubin, for his support.

### **B. Council Comments to Outgoing Mayor**

#### **PUBLIC COMMENTS OPENED**

Cordell Hindler, Richmond, stated the Mayor had done an exceptional job given long City Council meetings, the budget and other issues. He thanked her for listening to everyone including the City Council, staff, and members of the public.

Rafael Menis, Pinole, also thanked Mayor Martinez-Rubin for her tenure as the Mayor over the past year, for her hard work to be fair and evenhanded to all commenters to ensure an equitable process, for her advocacy for vaccinations against COVID-19, and for her work with the Pinole Creek Watershed Community Science Project. He wished her well.

#### **PUBLIC COMMENTS CLOSED**

Council member Toms thanked the Mayor for all of her work and representation of the City as the liaison to many other community organizations, particularly given the challenges of the pandemic. She thanked Mayor Martinez-Rubin for her leadership and guidance during the last year.

Mayor Pro Tem Salimi also thanked Mayor Martinez-Rubin for her work, fairness and kind heart, particularly during a very challenging year. He was proud to have served as her Mayor Pro Tem.

Council member Murphy echoed the comments from his fellow Council members and in particular appreciated the Mayor's work with WestCAT.

Council member Tave thanked Mayor Martinez-Rubin for her leadership and commended her work on the census. He looked forward to another great year on the City Council.

Mayor Martinez-Rubin thanked everyone for their kind comments

C. Reorganization of the City Council in Accordance with Council Resolution 2010-87 and Appointment of Mayor and Mayor Pro Tem **[Action: Council Discretion to Nominate Officers and Adopt a Resolution of Appointment (Bell)]**

City Clerk Bell presented the staff report and recommended the City Council appoint the Mayor and Mayor Pro Tem per the Rules of Succession established by Resolution 2010-87, by approving the resolution in Attachment A to the staff report.

**PUBLIC COMMENTS OPENED**

Cordell Hindler, Richmond, agreed with the staff recommendation.

Hadiya (no last name given), responded to comments made by a member of the public related to Council member Murphy not standing for the flag and the history of Pearl Harbor Day. She understood that Council member Murphy had family that had fought and died for this country, with many people having fought for freedom and the right to make choices. She asked the speaker to realize because of those rights people had a right to decide how to show up. She was pleased Devin Murphy would be selected as the Mayor Pro Tem.

Cheryl Sudduth commended the service of Mayor Martinez-Rubin, particularly during the Mayors' Conferences. She thanked Mayor Martinez-Rubin and the entire Council for their service. She also looked forward to the leadership of the new Mayor and Mayor Pro Tem on a number of initiatives in West County. She encouraged everyone to be kind to one another in all of their actions and interactions with each other.

**PUBLIC COMMENTS CLOSED**

**ACTION: Motion by Council members Toms/Tave to adopt a Resolution Appointing Vincent Salimi as Mayor and Devin Murphy as Mayor Pro Tem for a One-Year Term Consistent with the Procedures in Resolution No. 2010-87.**

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

D. Administer Oath to Mayor and Mayor Pro Tem by City Clerk

The Oath of Office was administered to Mayor Pro Tem Devin Murphy by Contra Costa County District Attorney Diana Becton, and the Oath of Office was administered to Mayor Vincent Salimi by Attorney Paul Tour-Sarkissian, Esq.

E. Transfer of the Gavel & Comments by the New Mayor

Mayor Salimi read into the record written comments in which he detailed his background as a double immigrant, born in Iran raised in France, and as someone who was living the American Dream. He had been elected by Pinole citizens in 2018, and he commended the work of the City Council to end divisions. He highlighted all of the City Council's achievements over the past three years.

Mayor Salimi suggested work still needed to be done on economic development, potentially a City bank, development of the downtown, the reopening of Fire Station No. 74, and consideration of a Charter City. He looked forward to serving the City of Pinole as its Mayor, and working with Mayor Pro Tem Murphy and the entire City Council.

Mayor Salimi further expressed his appreciation to District Attorney Diana Becton for supporting him during his election, and expressed appreciation to several former Pinole Council members, former City Managers including the current City Manager, and other members of City staff. In addition, he expressed his appreciation for the support of his wife and family and numerous extended family members including those no longer present. Further, members of the community and community organizations which had been supportive were also recognized including the residents of Pinole.

Mayor Pro Tem Murphy read into the record written comments and reported he would be not only the youngest but the first black and open LGBTQ+ Mayor Pro Tem in Pinole's history. He too highlighted the many initiatives the City Council had shepherded over the past few years and suggested the City Council could fulfill its potential as a body as a strong, responsible, transparent, and collaborative Council that upholds responsible participatory government as great as the people served. As the Mayor Pro Tem, he would continue to serve Pinole residents with the utmost respect and honor and would work every day for the government the City deserved. He looked forward to working with the City Council, City staff, the public and the Mayor to ensure the City Council worked for all people including those most marginalized.

Council member Martinez-Rubin virtually turned the gavel over to the new Mayor.

Mayor Salimi chaired the meeting at this time.

Council member Tave congratulated both Mayor Salimi and Mayor Pro Tem Murphy, and looked forward to working with the entire Council and keeping the momentum moving forward.

Council member Toms also congratulated both Mayor Salimi and Mayor Pro Tem Murphy. She too looked forward to working with everyone.

#### **PUBLIC COMMENTS OPENED**

Rafael Menis, Pinole, congratulated both Mayor Salimi and Mayor Pro Tem Murphy, spoke to the background of each and emphasized the need to recognize the diversity of strength and experience both men brought to their leadership roles, with ambitious goals everyone shared both within the community and with the major projects that had been moving forward and would continue to go forward while defending the democratic and republican nation from threats within/outside of the community. He appreciated the fact both the Mayor and Mayor Pro Tem had taken the Oath of Office to protect Pinole citizens against all enemies, both foreign and domestic, who sought to overturn the Constitution, both in the State of California and in the United States as a whole. He thanked the Mayor and Mayor Pro Tem for their comments on democracy and the defense of democracy.

Irma Ruport, Pinole, congratulated both Mayor Salimi and Mayor Pro Tem Murphy. She urged the Mayor and Mayor Pro Tem to reach out to those they may not know and when making

decisions ensure it was for the betterment of all and not just a few. She supported the entire City Council and urged the reopening of Fire Station No. 74.

Mayor Salimi thanked both District Attorney Becton and Mr. Tour-Sarkissian for their participation.

#### PUBLIC COMMENTS CLOSED

- F. Review, Discuss and Appoint to the 2021 Council Committee Assignments List  
**[Action: Council Discretion to review, discuss and appoint Councilmembers (Bell)]**

Mayor Salimi identified the City Council 2021 Council Committee Assignments as follows:

#### **Joint Powers Authorities and Other Interagency Regulatory Bodies of which the City is a Member**

	<u>Primary/Delegate(s)</u>	<u>Alternate</u>
Association of Bay Area Governments (ABAG)	Toms	Murphy
Marin Clean Energy (MCE)	Murphy	Toms
Pinole/Hercules Wastewater Subcommittee	Tave, Toms	Murphy
West Contra Costa Integrated Waste Management Authority (WCCIWMA "RecycleMore")	Tave	Murphy
West Contra Costa Transportation Advisory Committee (WCCTAC)	Martinez-Rubin	Murphy
Western Contra Costa Transit Authority (WestCat)	Martinez-Rubin, Toms	Murphy

#### **Voluntary Interagency Collaboration Bodies of which the City is a Member**

Bay Front Chamber of Commerce	Toms	
Contra Costa Mayors Conference	Salimi	Murphy
East Bay Division League of California Cities	Salimi	Murphy
West County Mayors and Supervisors Association	Salimi	Murphy

#### **Subcommittees of the Pinole City Council**

Finance Subcommittee	Salimi, Murphy, City Treasurer
Committee on Memorials	Murphy, Toms
Municipal Code Ad-Hoc Subcommittee	Tave, Toms
Planning Commission Interview Ad-Hoc Subcommittee	Martinez-Rubin, Toms
Taps and Community Services Commission Interview Ad-Hoc Subcommittee	Tave, Murphy

Participants in Formation Process of East Bay Wildfire Prevention and Vegetation Management Joints Powers Authority

Toms, Murphy

Historic Preservation Overlay/Old Town Design Guideline Review Ad-Hoc Subcommittee

Martinez-Rubin, Toms

Technology and Communications Subcommittee

Murphy, Tave

## **PUBLIC COMMENTS OPENED**

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

## **PUBLIC COMMENTS CLOSED**

City Clerk Bell reported the list of Council Committee Assignments would be brought back to the City Council at its next meeting for approval.

## **10. PUBLIC HEARINGS**

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

None

## **11. OLD BUSINESS**

None

## **12. NEW BUSINESS**

None

## **13. REPORTS & COMMUNICATIONS**

### **A. Mayor Report**

#### **1. Announcements**

Mayor Salimi was happy and honored to be the new Mayor. He reported that he had attended the Holiday Tree Lighting ceremony, appreciated the participation from the Council and attendees, and expressed his appreciation to Sequoia Real Estate for its participation.

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

None

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



Mayor Pro Tem Murphy also was thankful to serve and looked forward to working with the City Council in the next year including all City staff, community partners and the small business community. He thanked everyone involved in the Holiday Tree Lighting ceremony and all donors and sponsors. He looked forward to the commencement of the work of the Technology and Communications Subcommittee, and those interested in the work of the subcommittee were asked to send him an e-mail and let him know how the City could better communicate with the public.

Council member Martinez-Rubin reported she had attended the Holiday Tree Lighting ceremony and took the opportunity to specifically identify all of the community sponsors and City Departments who had helped with the event. She reiterated the need for everyone to be vaccinated and comply with social distancing and masking requirements. She also reported that she had attended the Mayors' Conference with a presentation from the Northern California College Promise Coalition and briefed the Council on the discussions. In addition, a presentation had been made by District Attorney Becton on the District Attorney's Office response to the wave of retail thefts with higher levels of more serious prosecutions being considered. A number of Mayors from Contra Costa cities were working with the District Attorney's Office on how best to address those incidents. Further, WestCAT would be meeting later in the week via Zoom.

Council member Toms reported she had been absent for the last meeting of the City Council since she had been attending a conference. She congratulated the City of Pinole for being able to advocate for Measure X funds and looked forward to whatever agreement could be considered to reopen Fire Station No. 74. She had also attended the League of California Cities presentation on Bay Adapt: Regional Strategy for a Rising Bay, an initiative of the San Francisco Bay Conservation and Development Commission (BCDC) on rising tides, with impacts on Bay Area coastal communities, as well as the first meeting of the formation for the East Bay Wildfire Prevention and Vegetation Management Joint Powers Authority, and briefed the Council on the discussions. She too thanked City staff and the community organizations for their support of the Holiday Tree Lighting ceremony.

Council member Tave thanked everyone involved in the Holiday Tree Lighting ceremony which had been a great event, and commended the synergy with everyone working in concert. He looked forward to the next year and future successes. He added that the West Contra Costa Integrated Waste Management Authority (WCCIWMA) RecycleMore would meet on Thursday, December 9, 2021 with more information on the RecycleMore website. He wished everyone a Happy Holiday.

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

Council member Toms requested a future agenda item for the adoption of a resolution in support of the Bay Adapt: Regional Strategy for a Rising Bay initiative. Consensus given.

Mayor Pro Tem Murphy requested a future agenda item for a presentation from the Greenbelt Alliance on its Resilience Book, with the date yet to be determined. Consensus given.

Mayor Pro Tem Murphy requested a future agenda item to revisit the Council procedures; Mayor Salimi understood such discussion had been agendaized for the December 21 City Council meeting; and City Manager Murray confirmed that after reorganization each year the City Council

considered the City Council Procedures and the City Clerk would present the City Council Procedures at the December 21, 2021 City Council meeting.

Mayor Pro Tem Murphy requested a status report on the Parks Master Plan. Consensus given.

Council member Martinez-Rubin requested a future agenda item to consider augmenting the General Plan to include a Health Element. Consensus given for discussion purposes.

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

City Manager Murray again congratulated the Mayor and Mayor Pro Tem and outgoing Mayor Martinez-Rubin. He reported that public input was currently being sought on a couple of projects including the Local Road Safety Plan and rebuilding the San Pablo Avenue Bridge, with a community workshop for the bridge project scheduled for December 8, 2021 via Zoom, and with more information on the City website. He also expressed his appreciation to City staff for the Holiday Tree Lighting ceremony and thanked all the community partners involved.

City Manager Murray added that the City Council had been provided memorandums with status reports on: the zoning for property located at 2151 Appian Way (former Doctors' Hospital); street light network ownership and maintenance; a site along Tennent Avenue for a potential future solar site; and recurring City Council items.

**F. City Attorney Report**

City Attorney Casher expressed his appreciation to outgoing Mayor Martinez-Rubin and congratulated newly-elected Mayor Salimi and Mayor Pro Tem Murphy. He looked forward to continuing to work with the City Council in the next year.

- 14. ADJOURNMENT** to the Regular City Council Meeting of December 21, 2021 in Remembrance of Amber Swartz with a Moment of Silence Observed in Recognition of the Events at Pearl Harbor, Hawaii, December 7, 1941.

At 8:15 p.m., Mayor Salimi adjourned the meeting to the Regular City Council Meeting of December 21, 2021 in Remembrance of Amber Swartz.

**Submitted by:**



Heather Bell, CMC  
City Clerk

**Approved by City Council: December 21, 2021**

