

**CITY COUNCIL MEETING
MINUTES
December 21, 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 Salimi called the Regular Meeting of the City Council to order at 5:01 p.m. and led the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT

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

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

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

A. COUNCILMEMBERS PRESENT

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

B. STAFF PRESENT

Andrew Murray, City Manager
Heather Bell, City Clerk
Alex Mog, Assistant City Attorney
Hector De La Rosa, Assistant City Manager
Lilly Whalen, Community Development Director
Markisha Guillory, Finance Director
Misha Kaur, Senior Project Manager
Roxanne Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on December 17, 2021 at 12:00 p.m. No written comments had been received in advance of the meeting.

Following an inquiry, Mayor Salimi reported he had a Conflict of Interest related to Item 4C due to the proximity of his residence.

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: City Manager Murray, Assistant City Manager De La Rosa, Assistant City Attorney Alex Mog, Gregory Ramirez (IEDA)
Employee organization: IAFF
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Gov. Code § 54956.9(d)(4)
Number of potential cases: 1
- C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Gov. Code § 54956.8
Property: 612 Tennent Avenue, APN 401-142-011
Agency negotiator: City Manager Murray, Assistant City Manager De La Rosa, Attorney Stephanie Downs, Community Development Director Lilly Whalen
Negotiating parties: E.B. Smith
Under negotiation: Price and terms

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, was interested in learning what the International Association of Fire Fighters (IAFF) had to offer to the City Council.

Stephanie Christmas, Keller Williams Realty, speaking to Item 4C, requested a seven-month extension for the purchase contract between the City of Pinole and Ebony Smith for property located at 612 Tennent Avenue. The contract had been ratified on June 20, 2021, and at that time the regulatory amendment regarding the affordability requirement was still being negotiated. It was resolved on October 28, 2021. Subsequently, Ms. Smith had done her due diligence and to date had obtained estimates to renovate the single-family property into a four-unit property with one affordable unit. Ms. Smith had met with the Housing and Urban Development (HUD) consultant who would manage the project and the loan process and had consulted with an architect and contractor, both of whom had informed her that the price of the property and the cost of the renovation exceeded her loan amount. Ms. Smith had requested and received an increase in the approved loan amount from her lender, and was currently awaiting the architect's feasibility study that would take approximately four months. Since the permit process according to City of Pinole staff would take approximately three months, approximately seven months was needed to close escrow, which was the reason for the seven-month extension.

Ebony Smith explained that she was in contract to purchase the property at 612 Tennent Avenue. She reiterated the request for an extension to close on the property for the reasons previously stated, with the property to be renovated and restored into a four-unit apartment building with one of the units to be affordable rent restricted. The property had been reviewed by an architect, contractor, home inspector and HUD consultant hired for the project. Floor plans had been prepared and she had obtained a new loan from the lender to cover the costs. She therefore requested the seven-month extension to close on escrow.

PUBLIC COMMENTS CLOSED

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

At 7:00 p.m., Mayor Salimi reconvened the meeting to open session and announced there was no reportable action from the Closed Session for Items 4A and 4B.

Mayor Pro Tem Murphy reported for Item 4C that staff had provided the City Council with direction and there was no further reportable action

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.

Rafael Menis, Pinole wished everyone a Happy Holiday; reported on the statistics of Pinole residents who had been fully or partially vaccinated and provided information on Governor Newsom's latest mandate for health care workers to be fully vaccinated with a booster shot. He identified the current COVID-19 case rates in Pinole and the impacts from the Omicron variant in the country, with additional information on vaccinations available at coronovirus.cc.health.org.

Debbie Long, Pinole, thanked the Pinole Garden Club for remaining active during the pandemic, particularly along the I-80 Corridor corner eastbound along Pinole Valley Road, which made the Christmas season merrier. She wished everyone a happy and safe holiday.

7. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

None

B. Presentations / Recognitions

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.

A. Approve the Minutes of the November 16, 2021 and December 7, 2021 Meetings.

- B. Receive the December 4, 2021 – December 17, 2021 List of Warrants in the Amount of \$318,927.60 and the December 10, 2021 Payroll in the Amount of \$682,078.04
- C. Receive the Development Impact Fee Report for the Fiscal Year Ended June 30, 2021 **[Action: Adopt Resolution per Staff Recommendation (Guillory)]**
- D. Resolution Continuing Authorized Remote Teleconference Meetings Pursuant to AB 361 **[Action: Adopt Resolution per Staff Recommendation (Bell)]**
- E. Adopt a Resolution Approving a Side Letter to the Memorandum of Understanding Between the City of Pinole and IAFF Local 1230 on the Process and Compensation of the Administrative Fire Captain and Fire Prevention Captain Assignments **[Action: Adopt Resolution per Staff Recommendation (Wynkoop)]**
- F. Cooperative Funding Agreement with the West Contra Costa Transportation Advisory Committee (WCCTAC) to Receive \$100,000 in Subregional Transportation Mitigation Program (STMP) Funds for CIP Project #RO2105 – Appian Way Complete Street Project **[Action: Adopt Resolution Per Staff Recommendation (Kaur)]**
- G. Update on 2022 Garbage Collection Rates **[Action: Receive Report (Kaur)]**
- H. Authorize the City Manager to Enter into a Two-Year Contract with the Pacific Coast Farmers' Market Association to Continue Operating a Year-Round Pinole Farmers' Market for the Period of January 1, 2022 Through December 31, 2023 **[Action: Adopt Resolution per Staff Recommendation (De La Rosa)]**
- I. Approve the 2022 Council Committee Assignment List **[Action: Adopt Resolution per Staff Recommendation (Bell)]**
- J. Approve Purchase and Appropriate Funding for Replacement of Public Works Backhoe and Aerial Bucket Truck **[Action: Adopt Resolution per Staff Recommendation (Bingaman)]**
- K. Adopt a Resolution Approving a Fifth Amendment to the Exclusive Negotiating Agreement for the Sale and Purchase of the Pinole Shores II Properties and Consenting to the Assignment of the Agreement from General Realty CE, LLC to GRP Shores, LLC **[Action: Adopt Resolution per Staff Recommendation (De La Rosa)]**
- L. National Opioid Settlement **[Action: Adopt Resolution per Staff Recommendation (Casher)]**

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, spoke to Item 8L and asked whether the acceptance of the Opioid Settlement funds required the City to incur additional costs and application of the funds in the way the Settlement required.

Assistant City Attorney Alex Mog reported the Opioid Settlement Agreement would not require the City to incur additional costs besides staff time for the required reporting activities.

PUBLIC COMMENTS CLOSED

Council member Tave asked that Items 8G, 8J and 8K be removed from the Consent Calendar.

Council member Martinez-Rubin asked that Item 8H be removed from the Consent Calendar.

G. Update on 2022 Garbage Collection Rates **[Action: Receive Report (Kaur)]**

Senior Project Manager Misha Kaur presented the staff report and recommended the City Council receive the update on the garbage collection rates that the City's franchise garbage collection company would charge, effective January 1, 2022. She clarified the rates did not reflect any charges related to State Bill (SB) 1383 at this time.

J. Approve Purchase and Appropriate Funding for Replacement of Public Works Backhoe and Aerial Bucket Truck **[Action: Adopt Resolution per Staff Recommendation (Bingaman)]**

City Manager Murray reported the City Council had recently approved a budget appropriation for the purchase of a backhoe and aerial bucket truck for the Public Works Department. Costs for the equipment had increased, as outlined in the staff report. The equipment was critical for City operations and City staff had determined the costs were reasonable. City staff had been in discussions about establishing a formal agreement when support had been requested from other jurisdictions in the form of labor and equipment but staff had not yet reached out to any of the jurisdictions with which there was a reciprocal arrangement. Staff recommended the City Council adopt the resolution approving the appropriation of funding and purchase of a backhoe and aerial bucket truck including a 10% contingency for each of the pieces of equipment to account for future volatility of material and manufacturing costs.

K. Adopt a Resolution Approving a Fifth Amendment to the Exclusive Negotiating Agreement for the Sale and Purchase of the Pinole Shores II Properties and Consenting to the Assignment of the Agreement from General Realty CE, LLC to GRP Shores, LLC **[Action: Adopt Resolution per Staff Recommendation (De La Rosa)]**

City Manager Murray clarified that the use of the term "condominium" as it related to the Pinole Shores II Properties project and in relation to Pinole Shores I meant a shared ownership with different owners having different specified spaces and involving a commercial function. The development was commercial and the form of ownership was a condominium form of ownership.

Assistant City Manager De La Rosa added the property could be considered a brownstone and remediate all issues related to the site but it would be costly and require a large depth of soil to make it eligible for residential use.

More soil could also be added to the top to elevate the site with the understanding that that may address the issue, but they may still have to go back to the State Water Agency which may find it insufficient. Other possibilities could be considered to address the issue, although the site was currently zoned Light Industrial.

Assistant City Attorney Mog confirmed the zoning for the site was Light Industrial, which was what the proposal was for and even if there was no issue with remediation the zoning would have to be changed if any other use was considered. He added the California Environmental Quality Act (CEQA) would only review the environmental impacts of the proposed application that had been submitted and not the level of remediation that would be necessary to make the project safe for residential development.

Assistant City Manager De La Rosa further added the scope of the project had not changed from Phase I to Phase II, and a Mitigated Negative Declaration (MND) as opposed to a full CEQA analyses was required. The developer was present via Zoom and could provide additional comments.

Assistant City Attorney Mog explained that the item before the City Council was a Fifth Amendment to the exclusive negotiating agreement for the sale and purchase of the Pinole Shores II Properties and consenting to the assignment of the agreement from General Realty CE, LLC to GRP Shores, LLC. The project would be submitted to the Planning Commission and then on to the City Council for ultimate approval of the sale of the property and entitlements, which was not before the City Council at this time. He asked that the City Council not opine on the details of the project at this time.

Hector Vinas, General Realty, CE, LLC, the property owner, described the Light Industrial/e-commerce, two building project where entitlement approvals had been submitted to City staff. He noted the site had some contamination and the developer had worked for some time with the State Water Agency related to the contamination on the site making the property challenging for residential development. The developer had experience with residential development in other parts of the country and would be interested in working with the City of Pinole on other potential live/work development sites.

- H. Authorize the City Manager to Enter into a Two-Year Contract with the Pacific Coast Farmers' Market Association to Continue Operating a Year-Round Pinole Farmers' Market for the Period of January 1, 2022 Through December 31, 2023
[Action: Adopt Resolution per Staff Recommendation (De La Rosa)]

Council member Martinez-Rubin asked that the agreement between the City and the Pacific Coast Farmers' Market Association be modified to require the consultant/vendor to bring a portable trash bin accessible on-site to market goers, or each vendor that participated in the market be encouraged to provide their own office-sized trash bin given the amount of litter that accumulated during the Farmers' Market. She commended the City for allowing the event she described as a community space enjoyed by many in and out of the City of Pinole, which supported local farmers with access to fresh and healthy foods. She emphasized the importance of having the site accessible to people based on need who could use their Cal Fresh vouchers to purchase healthy foods. She looked forward to the continued participation between the City and the Farmers' Market. She otherwise asked staff to provide additional information on the \$1,000 annual grant program the Farmers' Market provided to a local non-profit.

City Manager Murray and Assistant City Manager De La Rosa confirmed that language regarding trash receptacles could be included in the agreement. They also clarified the \$1,000 annual grant program was tied to a youth organization and the City had the discretion to issue to a youth organization.

Council member Tave agreed with the recommendation to amend the agreement as requested. He also asked that the potential for expansion of the Farmers' Market be discussed given the importance of providing local healthy food to residents.

Assistant City Manager De La Rosa reported the Pacific Coast Farmers' Market had expressed to City staff the desire for a larger area to incorporate additional vendors, which would be visible to passing traffic. While Fernandez Park would have been an ideal site, a larger site was preferred. Once a suitable location was found, an expansion of the Farmers' Market including food trucks could be considered. He confirmed that the potential for expansion into the corner lot of the current location could also be considered.

City Manager Murray reported that staff was having internal conversations on the potential use of the corner lot in the short term, although that would be challenging since the current surface treatment was not conducive to foot/pedestrian traffic. Staff would discuss the potential expansion of the Farmers' Market into that area.

Council member Toms reported a member of the public had suggested the use of the Kaiser parking lot for a weekend Farmers' Market.

ACTION: Motion by Council member Martinez-Rubin/Mayor Pro Tem Murphy to Approve Consent Calendar Items 8A through 8L, with a modification to Item 8H to add language related to litter bins to the contract between the City of Pinole and the Pacific Coast Farmers' Market.

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

9. 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

10. OLD BUSINESS

None

11. NEW BUSINESS

A. Review City Council Procedures **[Action: Discuss and Provide Direction (Bell)]**

City Clerk Bell presented the staff report, outlined the recommended changes proposed by staff, and recommended the City Council review the City Council meeting procedures, discuss proposed revisions and provide direction to staff.

Responding to the Council, City Clerk Bell explained that the City Council Procedures had been left general to consider either virtual or in-person meetings with information on the cover sheet of the City Council agendas to identify the meeting procedures in response to the ever-changing conditions of the pandemic. The additions staff recommended be added to the City Council procedures could be considered for both virtual and in-person meetings. The regulations of the Brown Act had been included in the City Council procedures, but specific information related to postings of City Council meetings on the City website had not been included in the procedures but could be added if so directed by the City Council. Also, written reports submitted by the City Council from activities or attendance at assigned committees had not been required in the past as part of the City Council Procedures but could be discussed further.

PUBLIC COMMENTS OPENED

An unidentified speaker suggested placing public comment earlier in the meeting agenda was shortchanging the public and the community given the earlier meeting time when many people had not yet gotten home from work. He recommended consideration of two different public comment periods both at the beginning and the end of the City Council meeting agendas to allow people to phone in and comment on any item. He suggested that would allow the City Council to build rapport with the public and improve communications in a process that had been followed by many other local jurisdictions.

Rafael Menis, Pinole, agreed with the importance of considering a second public comment/Citizens to be Heard period later on the agenda. Responding to the staff recommended revisions, specifically to add Section 8. Decorum, which set forth standards of behavior for the City Council, Staff, and the Public at Council Meetings, he requested that the text include examples of pertinent, derogatory or slanderous remarks to avoid the naming of actual speakers. He also spoke to the Zoom meeting format and suggested it would be worthwhile to allow video and audio presentations via Zoom to be shared increasing the community connection with the community at-large and not just the presenters. He suggested that option should be open to all commenters, was technically feasible, and had been a procedure followed by the Contra Costa County Board of Supervisors (BOS). He further requested that members of the public be allowed to bring up items during the Requests for Future Agenda Items portion of the meeting agenda.

In response to the request for the public to request a Future Agenda Item, Assistant City Attorney Mog advised the public was allowed to provide comment on any item that was considered by the City Council or on any action taken by the City Council. During the Future Agenda Item portion of the meeting agenda, a member of the public could request a future agenda item or make said request during the Citizens to be Heard portion of the meeting agenda, but the item could only be placed on a future agenda if a motion was made by a member of the City Council with the support of the majority of the City Council.

Debbie Long, Pinole, spoke to the staff recommended revisions to the City Council Procedures, particularly the addition of Section 8. Decorum, and asked who would decide the proper decorum and how it would be enforced. She noted that criticism of the City Council was open-ended as

long as it was not disrespectful and done in a manner without terminology that not everyone would want to hear. She sought more specificity in that section of the City Council Procedures

City Clerk Bell explained that the spirit of adding Section 8. Decorum had been to set a respectful tone for the City Council meetings, and that decorum had been addressed by other jurisdictions. The City Council may revise the proposed language as proposed by staff. She added that the Presiding Officer, the Mayor, Chair or someone acting in their place would enforce the City Council Procedures in consultation with the City Attorney.

PUBLIC COMMENTS CLOSED

Council member Tave suggested the City Council had benefitted from workshops which he would like to see codified in the City Council Procedures. He also suggested that requests for Future Agenda Items include a discussion of what was attainable at a future City Council meeting, which could be reported out publicly.

City Manager Murray explained that the request for staff to report out on a future meeting agenda was an existing item of the City Council Procedures, where he was to provide a report out on a look-ahead of future City Council meetings and he would work to provide that information. A longer term forecast, such as a two-month rolling basis of upcoming projects, was another report out and staff had made great progress via long City Council meetings to get through many of those items where he did not foresee the need for more discussion to prioritize items. As to the use of workshops, he noted that term had different meanings in different communities. Oftentimes, workshops involved a study session with no action to be taken by the City Council or a Special Meeting where a decision would be made but with a smaller agenda that had a more interactive format with the public. The City Council successfully held workshops to discuss the use of the American Reuse Plan Act (ARPA) funds and to consider items the City Council had determined were important to consider via a workshop but that format should be flushed out more and staff could consider specific definitions for consideration.

City Clerk Bell suggested the City Council Procedures be left general to allow flexibility and allow workshops to take shape in a way that was beneficial to each subject matter. Definitions could be added to the different types of meeting procedures.

Council member Martinez-Rubin offered the following suggestions and revisions to Attachment B to the staff report:

- Section 3. Posting of Meeting Agenda and Section 5. Posting Notices for Special Meetings, to reflect postings of the City Council meeting agendas on the City website;
- Section 8. Decorum, revise the fourth bullet to read: *Focus on the issues and avoid personalizing debate or addressing prior commenters by name*;
- The City Council Procedures to retain the language related to the submittal of written reports from the City Council on activities or assignments attended;
- The existing City Council Procedures for the consideration of Requests for Future Agenda Items had not always been followed and should be followed to the letter; and

- Consider offering the opportunity for public comment for items not on the agenda before returning from Closed Session with an effort for Closed Sessions to end by 7:00 p.m.

Council member Toms agreed with adding language to Sections 3 and 5, as proposed, but for Section 8. Decorum, she suggested the fourth bullet be further revised to read: *Focus on the issues and avoid personalizing debate and avoid negative comments*. She otherwise commented that the meeting agendas for the City of San Ramon and the West Contra Costa Unified School District (WCCUSD), as examples, allowed ten minutes for public comments at the beginning of their meetings with any additional comments delayed until the end of the meeting but that procedure may not be beneficial. She suggested 7:00 p.m. was a reasonable time for the public to log-in and make public comments, and Zoom had the capability to allow commenters to turn their cameras on and off.

City Clerk Bell offered her perspective on all the recommendations to modify the City Council Procedures. She suggested if the City Council decided to have two opportunities for public comment, the second public comment could be considered after the completion of any business items and before Reports & Communications.

Mayor Pro Tem Murphy agreed the process for considering Future Agenda Items should be discussed further. He offered his perspective as a Council member and input from members of the public on the City Council Procedures. As to the recommended language for Section 8. Decorum, he disagreed public commenters should be prohibited from publicly naming someone who spoke before them given oftentimes comments were not challenged. He recommended the City Council adhere to the current procedures and direct comments to and through the Mayor and not limit public speech. He also suggested the notion and intent behind the revisions were great. Given some of the correspondence received from the public, the Reports & Communication portion of the agenda was central and oftentimes the City Council rushed through reports since it was placed at the end of the meeting agenda. He recommended that agenda item be moved and considered after Citizens to be Heard.

Mayor Pro Tem Murphy referenced Section 11. Tape Recordings, and asked staff to send the Citywide Records Retention Policy to the City Council. He also asked that the City Council meetings be streamed live on Pinole TV, and language be added to Section 11 referencing live streaming of City Council meetings as part of Facebook Live.

Mayor Salimi summarized all the City Council recommendations. He found City Council meetings were oftentimes too long and not productive. He suggested each meeting should be dedicated for different purposes, such as one meeting for Closed Sessions, which could be held on a non-meeting date, and separate presentations and workshops into different meetings to be held on the fourth week of each month. He also suggested a separate meeting could be considered for Recognitions and held the first Tuesday of each month. Regular meetings could be held on the first and third Tuesday of each month and during those meetings the City Council could consider New and Old Business.

City Clerk Bell clarified the City Council meetings were recorded on tape and were posted on-line.

Council member Tave suggested the meeting agenda be modified to allow reports from Ad Hoc Committees under the Mayoral & Council Appointments section of the meeting agenda, and City Clerk Bell explained that such reports had routinely been provided under the City Council

Committee Reports & Communications section of the agenda, or if the City Council directed she could do a roll call of existing committees.

City Manager Murray commented on the effort to structure the meeting agendas to be balanced. He acknowledged while there had been long meetings and lengthy presentations, adjustments had been made to ensure the meetings were not as long. He suggested the existing meeting format struck the right balance and was appropriate for a city the size of Pinole. Additional meetings such as Special City Council meetings including workshops had been held as needed. He expressed concern if a different meeting schedule was adopted since the meetings involved considerable staff time for the staff who participated in each Council meeting. Holding City Council meetings twice monthly for the City Council was standard operating procedure for cities the size of Pinole. He emphasized that City staff had undertaken to address a backlog of items and done a considerable amount of work over the past few years to address significant community issues and new business.

While there would be a lot of work in the next year, City Manager Murray suggested the normal meeting schedule and well-timed workshops would be able to handle the load, but staff was happy to make any changes to the City Council Procedures directed by the City Council. He agreed that identifying an end time for Closed Sessions would be a benefit and noted some communities had open sessions start at the same time. The City Council Procedures currently stated if the Closed Session was not concluded in one hour, the Closed Session could be continued to another date or at the end of the meeting, which would provide a consistent start time for the public.

Council member Toms suggested if Council members met with the City Manager to answer any questions about the Consent Calendar items prior to the meeting that could help to move things along. She suggested heavier items such as consideration of the budget and the Capital Improvement Program (CIP), as examples, would benefit from a workshop.

Council member Tave asked that staff summarize the comments and bring them back to the City Council for discussion. He agreed that the budget discussions involved a greater amount of comment and pointed out the Finance Subcommittee had discussed the budget and CIP prior to City Council consideration, which had been helpful, although Finance Subcommittee meetings were held in the mid-afternoon and it would be helpful to move those meetings up to allow greater public participation.

City Manager Murray hoped to have a longer runway discussion for the budget process in 2022 and possible workshops. He found one of the lessons learned from the budget process in 2021 was to have all Council members involved in that process.

Mayor Salimi again summarized the City Council recommendations including posting the meeting agenda on-line; existing Reports & Communication to occur after Citizens to be Heard; recording on Facebook Live and streaming the City Council meetings live; considering two sets of Citizens to be Heard on the meeting agenda; revising Section 8. Decorum to address comments through the Mayor and not have negative comments to others; and the potential restructure of City Council meetings. He asked for a motion for each of the recommended items.

City Clerk Bell added that additional recommendations had been offered to consider allowing members of the public to share their screens as part of participation in meetings; including language in the City Council Procedures for Study Sessions/City Council meeting type and revising the reporting out on Ad Hoc Subcommittee meetings.

Council member Toms suggested the terms related to sharing the screen should be *sharing the video*.

(Due to technical difficulties, Council member Martinez-Rubin's votes were offered via telephone.)

ACTION: Motion by Council member Toms/Mayor Pro Tem Murphy to add language on posting City Council meeting agendas on-line to Sections 3 and 5 of Attachment B.

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

ACTION: Motion by Mayor Pro Tem Murphy/Council member Toms to move the existing Reports & Communication section of the City Council agenda after Citizens to be Heard.

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

Mayor Pro Tem Murphy offered a motion, seconded by Council member Toms to add the term "and Live Streaming" and to add language to stream City Council meetings live on the City of Pinole's social media to Section 11. Tape Recordings, with Council member Toms requesting the comments be turned off on social media.

Mayor Pro Tem Murphy restated his motion to add the term "and Live Streaming" and add language to stream City Council meetings live on the City of Pinole's social media, including language to reflect that comments made during public meetings must still meet the City Council Procedures.

City Clerk Bell explained that the implementation of the recommendation would take some research. She recommended general direction, with more specific information to be provided at the next meeting. She was uncertain the comments could be turned off on the social media page but would work with the information technology team.

Assistant City Attorney Mog pointed out the meeting agenda was very clear on how public comment was to be submitted.

ACTION: Motion by Mayor Pro Tem Murphy/Council member Toms to amend Section 11. Tape Recordings, to read:

Council meetings are televised live on Pinole's Local Community Access Channel (Channel 26). Tape recordings and livestream of Council meetings and livestream on social media pages are kept in order to assist in the preparation of minutes. After the prepared minutes have been approved, video tape recordings shall be retained pursuant to the Citywide Records Retention Policy.

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

ACTION: Motion by Mayor Salimi/Council member Tave to modify the City Council meeting agenda to provide for two Citizens to be Heard, the first after Item 5, Reconvene In Open Session to Announce Results of Closed Session, and the second after New Business.

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

After the motion was taken the City Council discussed the intent of the motion, with the two sets of public comments intended to be on different subjects.

The City Council discussed modifying Section 8. Decorum. Council member Martinez-Rubin offered language changes in the form of a motion that was not accepted. She rescinded her motion and offered another motion to modify the fourth bullet under this section to read:

Focus on the issues and avoid personalizing debate or addressing prior commenters negatively.

Mayor Pro Tem Murphy disagreed with the revision and suggested someone had the right to correct a speaker who may have spoken incorrectly, particularly as someone who had been the target of negative comments from members of the public, while also recognizing the right to free speech. He suggested that a reminder to a member of the public to direct their comments through the Mayor and not members of the public would be appropriate.

Council member Martinez-Rubin recognized that any comments from the public were welcome, but the commenters were to address the City Council and not another individual and not use public comment as a means to address another public commenter, something that had occurred during the remote meetings when those commenters had not been muted.

City Clerk Bell suggested adding language to read: *avoid personal attacks* as possible consideration.

Assistant City Clerk Mog explained that the City Council Procedures were an expression of the City's ideals of how public comment should happen but if members of the public chose not to follow it they could be reminded of the procedures.

On the discussion, Council member Martinez-Rubin suggested the language in Section 8. Decorum be left as is, with no additional language, with the City Council to work with each other and the Mayor to maintain civility and decorum. She again withdrew her motion.

On the recommendation of Council member Tave, Mayor Salimi asked the City Clerk to add a statement to the City Council meeting agenda that all comments are to be addressed through the Mayor.

City Clerk Bell would review the City Council Procedures to see where the statement should be added to the meeting agenda.

ACTION: Motion by Council members Toms/Tave for virtual meetings the City Council to allow the public to make their comments both with audio and video enabled.

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

The City Council discussed the structure of the City Council meetings at length and Mayor Salimi reiterated his recommended modifications for separate meetings for Closed Sessions, Presentations and Recognitions. Concerns were expressed by some members of the City Council for multiple City Council meetings each month given the impacts on staff time and noticing requirements. The City Council acknowledged that Closed Sessions should be considered separately from regular City Council meetings, as needed.

City Manager Murray explained that not all Closed Sessions were lengthy and additional meetings may not be needed. Also, the regular City Council meeting dates had been established in the Pinole Municipal Code (PMC) not in the City Council Procedures and any changes would require an amendment to the PMC which involved a separate process.

Mayor Salimi clarified he was not recommending a change in the regular meeting dates of the City Council but that Closed Sessions, Presentations and Recognitions be removed from the meetings held on the first and third Tuesday of each month; however, City Manager Murray stated if the City Council wanted to hold a meeting the second Tuesday of each month it would be recurring and considered a regular meeting requiring an amendment to the PMC.

Assistant City Attorney Mog confirmed if the City Council determined the second Tuesday of each month should be held to consider any topic it would be considered a regular meeting and would require an amendment to the PMC. He advised that Special Meetings may be called, as needed.

At this time there was not majority support for the City Council to change the structure of the City Council meetings to consider additional meetings as the Mayor had recommended, other than to

start the meeting time earlier to accommodate Closed Sessions and consider Special Meetings as needed.

Mayor Salimi commented on the volume of work anticipated in 2022 and expressed concern the Council may not get through the work efficiently without changing the structure of City Council meetings.

City Manager Murray confirmed, when asked, there was collaboration between the City Manager and the Mayor when preparing City Council meeting agendas. He acknowledged while there had been some long meetings due to the need to catch up on some items the Council had gotten through a lot of the work. He suggested the City Council meeting structure did not have to be changed if business was conducted efficiently and that two City Council meetings per month would be adequate.

City Clerk Bell also asked the City Council to keep in mind that any changes to the City Council meetings needed to take into consideration public access, noticing requirements, and transparency in how any changes were approached. She also commented that Closed Sessions typically had not been considered as a Special Meeting. If staff anticipated a Closed Session would be a couple of hours long that could be managed administratively without taking Closed Sessions off of the meeting agenda entirely. A Special Meeting could also be considered.

Council member Tave offered a motion to retain the City Council meetings on the first and third Tuesday of each month with Closed Sessions, with direction to the City Manager to hold Special Meetings for Closed Sessions as needed.

City Clerk Bell advised the process outlined in the motion was always an option and Council member Tave withdrew his motion.

City Clerk Bell and Assistant City Attorney Mog confirmed that there were certain items that must be approved at a regular meeting but for the most part Special Meetings could be considered, as needed.

City Manager Murray added that Special Meetings may be considered on a non-regular meeting date for most items and would not constrain Closed Sessions.

Council member Tave suggested language be provided to differentiate a study session versus workshops and City Manager Murray advised that staff could draft specific language that could be incorporated into the City Council Procedures if the Council so directed.

(Council member Martinez-Rubin returned to the Zoom format)

ACTION: Motion by Council members Tave/Toms to add language in the City Council Procedures further defining workshops versus study sessions.

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

In response to the recommendation to modify the meeting agenda and include Ad Hoc Committee Reports under Reports & Communications, City Manager Murray explained that the Reports & Communications section of the agenda was intended for Council members to report out on all assigned activities and committees.

City Manager Murray also responded to the Mayor as to whether there were time constraints for consideration of Items 11B and 11C, and stated the items could be continued if the City Council so directed with no legal timeline requirements involved with either item.

It was the consensus of the City Council to continue with the remaining agenda items rather than defer them to allow the City Council the opportunity to provide comments.

**B. Program Guidelines and Application for Small Business Assistance Grant Program
[Action: Discuss and Provide Direction (Guillory)]**

Finance Director Guillory provided a PowerPoint presentation which included an overview of the Program Guidelines and Application for the Small Business Assistance Grant Program. She recommended the City Council consider the proposed program guidelines, including eligibility criteria and the grant application form for the Pinole Small Business Assistance Grant Program and provide direction to staff.

Responding to the Council, City Manager Murray clarified a formal evaluation process had not been done and that Finance Director Guillory had not been involved in the first round of the program. He had been involved with the Deputy City Clerk on the program and while staff had not conducted a formal evaluation process feedback had been provided by the participants which had informed some elements of the program.

City Manager Murray again clarified the eligibility requirements and noted if the City Council approved the program staff could implement a process that supported businesses that had been good community members and contributors. He noted that code enforcement was a complex matter, which was not currently part of the program. As part of the eligibility screening, staff would check with the Code Enforcement Division and the Police Department to clarify whether or not there had been any issues where a business would not be eligible. Staff could be directed to include a reconciliation timeline, which process had been included as part of the last round of business license renewals.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, asked how the City would flag the optional questions in terms of the demographic questions as part of the application process. He wanted it made clear the responses were optional and not to be used in the decision-making process.

City Manager Murray explained that the information would not be used in any way to disadvantage a participant, with a statement to be added to the application related to the optional questions that responses were voluntary and would be used for data purposes only. Also, due to a recent State proposition, the City would not be allowed to make a determination of public benefit based on ethnicity or gender. He acknowledged that veteran status could be added to the volunteer questions.

PUBLIC COMMENTS CLOSED

Council member Toms suggested consideration of a sliding scale where the grant amounts would vary depending on the size of the business and the number of employees and whether the applicant must obtain a Health Department permit, as an example. She suggested the business license process could be used as the determining factor of the grant amount. She commented that restaurant supply costs had increased due to inflation and restaurants had to pay more to retain employees, and the City needed to consider the program as a pro rata based on the number of employees and other required licenses a business must pay, with a sliding scale for the grant amounts.

Finance Director Guillory explained that during the ARPA Workshop, a number of ideas had been discussed including a \$3,000 grant across the board for up to 100 businesses.

City Manager Murray added the intent was to keep the application process simple by not requesting too much documentation. In discussing the \$3,000 amount with the Bay Front Chamber of Commerce, there was no desire to risk inhibiting program participation by requesting too much documentation. The intent was to provide as much assistance as possible to those who needed it. He suggested a sliding scale based on some of the economic loss on a percentage basis as the most reasonable and staff would have to look at that. The prior program included a limited review process, and a similar approach was recommended given the limited amount of money available. If the City Council decided there should be a new scheme for a sliding scale to be brought back to the Council that would not occur for a number of weeks.

Council member Toms stated she had spoken to different restaurant operators in Old Town. Since business license fees had been based on a sliding scale, she again sought a pro rata grant amount based on the same pro rata amount charged for business licenses.

City Manager Murray reiterated if the City Council so directed staff could return with a prorated or tiered system and proceed with the program based on Council direction.

Mayor Salimi commented as a local business owner he had received a federal loan based on a sliding scale, number of employees and other criteria. There had been other opportunities for local businesses through the federal government. He was uncertain the City had the means to consider a sliding scale process given the limited funds.

Council member Martinez-Rubin recognized funds were limited and there was no attempt to remedy all economic losses. She suggested the program be kept simple and supported the program's design as is. As to the application form itself as shown in Attachment B to the staff report, she recommended the following revisions:

- The business information portion of the application should better define "Independent Contractor;"
- The Date Established for the business needed to be clarified;
- The Other Information portion of the application form should be clarified and made clear that the information to be collected was for data purposes only;

- Whether the business was an independently owned franchise and whether the applicant had applied for other funding such as corporate assistance should be a question on the application;
- The “Have you fully reopened your business after stay-at-home orders ended,” question on the application form should be clarified given there had been many such orders since the start of the pandemic; and
- If there was a question asking whether the applicant was a minority owned business it should be clear it was not asking if the business was a State Certified Minority-Owned Business but whether at least 51 percent of the business was owned or controlled by a U.S. Citizen either Asian, Black, Hispanic or Native American.

Council member Martinez-Rubin also asked that the deadline for the application submittal be clear whether at 5:00 p.m. or at midnight of the deadline date.

Council member Tave agreed with the comments and the need for the Small Business Assistance Grant Program to get out into the community as soon as possible. While he understood there would be some staff time involved, there may be some stratification with agenda Item 11C, which addressed some of the comments offered by Council member Toms.

In response to Mayor Pro Tem Murphy, City Manager Murray suggested there could be a grace period to allow an applicant to address pending code enforcement issues and a timeline to demonstrate progress, if applicable.

Mayor Pro Tem Murphy offered a motion, seconded by Council member Tave to approve the Small Business Assistance Grant Program subject to modification to the Eligibility Criteria to include a seven-day grace period to allow applicants who may have pending code enforcement issues with the Pinole Police Department Code Enforcement Division to complete their applications.

City Manager Murray suggested the grace period be left open-ended since he was uncertain seven days would be adequate.

On the motion, Council member Martinez-Rubin commented on the time involved for any pending code enforcement issue to be addressed, which could be problematic, but City Manager Murray did not foresee many cases where that would occur and suggested that the City would work with the applicant to resolve any code enforcement issues within a reasonable period of time, and if the issue remained unresolved, the applicant would not receive the \$3,000 grant. He was confident a workable solution could be achieved.

ACTION: Motion by Mayor Pro Tem Murphy/Council member Tave to approve the Small Business Assistance Grant Program subject to modification to the Eligibility Criteria to include a grace period for applicants who may have code enforcement issues pending with the Pinole Police Department Code Enforcement Division.

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

As to the modifications offered by Council member Martinez-Rubin to the application form, City Manager Murray stated staff had no issues with the recommendations. The City Council may consider voting on each modification or reach a consensus.

The consensus of the City Council was to support the recommended modifications to the application form as offered by Council member Martinez-Rubin.

C. Program Design Considerations for Community Digital Gift Card Pilot Program
[Action: Discuss and Provide Direction (Whalen)]

Community Development Director Lilly Whalen provided a PowerPoint presentation on the program design considerations for the Community Digital Gift Card Pilot Program. She asked that the City Council review the proposed program design and provide direction to staff on implementation.

ACTION: Motion by Mayor Salimi/Mayor Pro Tem Murphy to Extend the City Council Meeting to 12:00 a.m.

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

Responding to the Council, Ms. Whalen clarified that, using Kitchen at 812 as an example, such a business would be required to operate out of a physical storefront and be in a restaurant/café category to comply with the program. Staff anticipated working with the user list for participants in the affordable housing program, using the distribution list the City had on file and using flyers at the Senior Center and Tiny Tots to reach out to those who may qualify for the program. A postcard would be mailed to all residents identifying the eligibility requirements for the needs-based program and she would also recommend special communication to be sent to targeted households, with the City to reach out to its partners to identify the targeted households.

City Manager Murray again clarified the eligibility requirements and application process for the program and commented that staff could consider other mechanisms and channels to promote the program, although it would be a challenge since the City did not have enough engagement via electronic communications at this time to ensure coverage in the City. The fallback was to use paper mailers.

Ms. Whalen stated that staff would work with the Bay Front Chamber of Commerce to promote the program to any and all eligible merchants and once a good number of merchants had been enrolled the marketing strategy would start to inform the community about the program.

The gift cards would not be specific to a specific merchant and would be a digital card able to be used at any participating merchant which may help to discourage price gouging. Whether the digital gift card could be gifted to someone else would have to be clarified with the vendor. Staff determined that \$100,000 in ARPA funds would be sufficient to implement the program and once up and running with lessons learned it may be possible to add more funds and potentially modify the program.

City Manager Murray explained that the program included a maximum of five gift cards per individual to ensure that someone could not take advantage of the system. The program was part of the economic development strategy and the Shop Local campaign and had the component of adding purchasing power to low-income residents. All of the City's investment and support would be expended to local businesses and the City would be providing \$100,000 in ARPA funds.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, recognized the need for safeguards to ensure that the gift cards would be spent in the community and to ensure that the City's ARPA funds would go back to the community.

PUBLIC COMMENTS CLOSED

Mayor Pro Tem Murphy liked the protections that would be provided to the consumer and the businesses. He suggested potential partnerships should include Marin Clean Energy (MCE) which had a Community Cares Program, and the Boys and Girls Club, Contra Costa Family Justice Center, Rainbow Community Center, and Contra Costa Senior Legal Services. He also wanted to see Spanish and Tagalog as potential languages included in the needs-based communication, along with the promotion of sustainability through a green model and reaching out to the Contra Costa Green Business Program. He supported training or follow-up to understand how to use the gift cards and recommended partnering with the Pinole Police Department and Probation Department to work with incarcerated individuals who may benefit from the program.

Council member Martinez-Rubin understood the program would involve the use of a marketing professional and preferred that local resources be used.

Ms. Whalen stated the intent was to ideally work with a local graphic designer and economic consultant and if not someone from an adjoining community. The intent of the consultant for the economic development strategy was to ensure consistency with the strategies.

Council member Tave offered a motion, seconded by Council member Toms to approve the Program Design Considerations for the Community Digital Gift Card Pilot Program.

Assistant City Attorney Mog explained that the item was to provide direction to staff, and by making a motion to approve the item he interpreted it to mean in accordance with the staff report.

Mayor Salimi asked that the motion be amended to modify the grace period from 90 to 120 days.

ACTION: Motion by Council members Tave/Toms for staff to move forward with the Program Design Considerations for Community Digital Gift Card Pilot Program, as recommended by staff, and to modify the grace period to spend the bonus amount from the digital gift card from 90 to 120 days.

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

12. REPORTS & COMMUNICATIONS

A. Mayor Report 1. **Announcements**

Mayor Salimi wished everyone a Happy Holiday and New Year. He looked forward to working with everyone in 2022. He also announced that Congressman John Garamendi had contacted him and wanted to visit the City Council and City staff on Tuesday, January 4, 2022 at 4:00 p.m., reporting that the City of Pinole would now be part of District 8 due to the recent redistricting process. He also reported he would be attending upcoming meetings of the West County Mayors and Supervisors Association and the East Bay Division of the League of California Cities.

Mayor Salimi took this opportunity to thank City Clerk Bell for all her assistance over the past year.

B. Mayoral & Council Appointments

None

C. City Council Committee Reports & Communications

Mayor Pro Tem Murphy wished everyone a happy winter solstice; thanked everyone including the City Council and City staff for all their work over the past year; encouraged residents to get vaccinated or tested for COVID-19, and advised that more information was available on the County Health Department website.

Council member Tave wished everyone a Happy Holiday. He reported that information was available at recyclemore.com on permitted recyclable items and how to recycle hazardous waste.

Council member Toms reported she and Council member Martinez-Rubin had attended a WestCAT Board meeting and briefed the Council on the discussions; and reported that Supervisor John Gioia had at-home COVID-19 tests he was giving away to his constituents on December 22, 2021 from 9:00 a.m. to Noon or from 1:00 p.m. to 5:00 p.m. in his office. Any remaining tests would be given away on December 23 from 9:00 a.m. to Noon. She too wished everyone a Happy Holiday season.

Council member Martinez-Rubin reported that WestCAT had launched a lottery on December 15 for free rides for a year, with information on eligibility on the WestCAT website. She had also

attended a meeting of the West Contra Costa Transportation Advisory Committee (WCCTAC) and briefed the Council on the discussions. She too wished everyone a Happy Holiday and encouraged everyone to stay safe, mask up, social distance and get vaccinated.

D. Council Requests for Future Agenda Items

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, requested a Future Agenda Item for the City Council to adopt an ordinance similar to one adopted by the Board of Supervisors to amend the 2019 California Energy Code to require certain newly constructed buildings to be all-electric.

PUBLIC COMMENTS CLOSED

Council member Toms suggested the request should go before the Municipal Code Ad Hoc Committee for discussion with a report back to the City Council.

Assistant City Attorney Mog confirmed the City Council may direct the request to the Municipal Code Ad Hoc Committee to study first with a report back to the City Council.

ACTION: Motion by Mayor Pro Tem Murphy/Council member Toms to forward a Request for a Future Agenda Item for consideration of amending the 2019 California Energy Code to require certain newly constructed buildings to be all-electric to the Municipal Code Ad Hoc Committee.

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

E. City Manager Report / Department Staff

City Manager Murray reported that staff had sent memorandums to the City Council on two items: an update on the status of the Gateway West Development and the Police Department's non-use of drones. He also reported the January 4, 2022 City Council meeting had been canceled. The next meeting of the City Council would be held on January 18, 2022 and would include a number of agenda items. He wished everyone a happy and safe holiday.

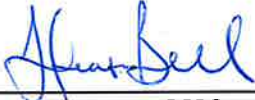
F. City Attorney Report

None

13. ADJOURNMENT to the Regular City Council Meeting of January 18, 2022 in Remembrance of Amber Swartz.

At 11:45 p.m., Mayor Salimi adjourned the meeting to the Regular City Council Meeting of January 18, 2022 in Remembrance of Amber Swartz.

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council: January 18, 2022

