

**CITY COUNCIL MEETING
MINUTES
April 19, 2022**

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

The City Council Meeting was held in a hybrid format (in-person and via Zoom videoconference and broadcast) from the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Salimi called the Regular Meeting of the City Council to order at 5:00 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
Eric Casher, City Attorney
Alex Mog, Assistant City Attorney
Chris Wynkoop, Fire Chief
Neil Gang, Police Chief
Jeremy Crone, Pinole, Police Department, Operations Lieutenant
Maria Picazo, Recreation Manager
David Snell, Pinole Community Television Coordinator
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on Thursday, April 14, 2022 at 4:00 p.m. with all legally required written notices. One written comment had been received in advance of the meeting, distributed to the City Council and published online.

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

4. CONVENE TO A CLOSED SESSION

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

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Gov. Code § 54956.9 (d) (1)
MVP Construction

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

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

At 5:36 p.m., Mayor Salimi reconvened the meeting into open session and announced there was no reportable action from the Closed Session.

6. CITIZENS TO BE HEARD (Public Comments)

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

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

7. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements

None

- B. Mayoral & Council Appointments

None

- C. City Council Committee Reports & Communications

Council member Toms reported she had attended a West Contra Costa Unified School District (WCCUSD) Pinole High School Family Community Meeting with another meeting planned for May 10, 2022 at Hercules High School, with signups on the WCCUSD website; she and Council member Tave had participated as the Municipal Code Update Subcommittee with one of the items discussed to be addressed as part of item 10A; and she had attended a Naming Committee

meeting to discuss designated names on City property, with a recommendation to be presented at the next meeting of the City Council for a plaque to be placed in Amber Swartz Park in honor of Dean Allison the former Public Works Director for the City of Pinole.

Mayor Pro Tem Murphy had also attended the WCCUSD Pinole High School Family Community Meeting with information on future meetings on the WCCUSD website; and briefed the Council on the details of Marin Clean Energy's (MCE) \$6 million program on increasing de-carbonization and electric grid reliability and \$3.5 million Clean Electrification Program. As one of the members of the MCE Executive Committee, he reported that he and other members would be traveling to Washington D.C. to lobby on MCE's Clean Energy Policies. He also wished everyone a Happy Easter, Passover and Ramadan and reported his next monthly coffee and conversation had been scheduled for Sunday, April 24, 2022 at 9:00 a.m. at East Bay Coffee.

Council member Martinez-Rubin briefed the City Council on actions and discussions from a recent WestCAT Board meeting.

Council member Tave wished everyone a belated Easter and reported he had attended the Bay Hills Church Easter event at Pinole Middle School and thanked the church and the WCCUSD for the service.

D. Council Requests for Future Agenda Items

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, requested a future agenda item to invite the Executive Director of the Contra Costa Transportation Authority (CCTA) to make a presentation on CCTA projects, and also invite Sabrina Landreth, General Manager, East Bay Regional Park District (EBRPD) to provide an update on how COVID-19 had impacted parks in the Bay Area.

PUBLIC COMMENTS CLOSED

There were no Council requests for future agenda items.

PUBLIC COMMENTS CLOSED

E. City Manager Report / Department Staff

City Manager Andrew Murray reported a Special City Council meeting had been scheduled for April 26, 2022, to be focused on the preliminary version of the Long-Term Financial Plan and allow the City Council the opportunity to provide early input on changes to the budget, to be implemented for the next fiscal year. He also provided an overview of the tentative agenda items for the May 3, 2022 regular City Council meeting.

F. City Attorney Report

City Attorney Casher reported the Municipal Code Update Subcommittee had met on April 11, 2022 and had moved forward with updates to the City's Encroachment Permit Ordinance and an ordinance and policy update to comply with the requirements of Assembly Bill (AB) 481, Funding, Acquisition and Use of Military Equipment.

Mayor Salimi returned to Item 6, Citizens to be Heard at this time.

Debbie Long, Pinole, reported she had attended the April 11, 2022 Planning Commission meeting at which time a proposal for Appian Village consisting of townhomes and condominiums had been considered for the former Doctors Hospital property. She was neither for nor against the project but felt there was room for improvement. She expressed concern if someone criticized a project there was an assumption that person was opposed to low income housing. While she suggested the Planning Commission could have taken steps to improve the project, housing at the site would be in conformance with the neighborhood as opposed to the project proposed for the former Kmart property, which project she remained in opposition since it would take away commercial space for economic development, consisted of too many units, was too dense as designed and the property was always meant for commercial use as well as a thoroughfare to the parkway. The project only included 27 units to be set aside for affordable housing, with the remainder of the units to be market rate. The project did not align with the Three Corridors Specific Plan and any zoning incentives the developer may have applied for contradicted the Plan. She asked that the project be taken back to the drawing board with public input via a Town Hall meeting.

Ms. Long also referenced a recent Finance Subcommittee meeting where the Mayor Pro Tem had participated via Zoom, and against all policies and ordinances had advertised his campaign while speaking on Zoom with a large campaign sign visible behind him. The Mayor Pro Tem was running for County Clerk and she questioned having confidence in him when he did not adhere to basic campaign laws. She asked that the Mayor Pro Tem be formally admonished, the video of the Finance Committee not be shown or at the very least the screen be blacked out so that the City did not give the appearance that it supported his campaign.

Ms. Long further commented that the City Council was not to comment on the comments made during Citizens to be Heard since it lent itself to a debate and was not permitted under the Brown Act.

Roy Swearingen, Pinole, was also appalled at what he had seen during the Finance Subcommittee meeting and the fact the Mayor Pro Tem had taken liberties using the City as a backdrop for his own personal campaign, which should be reported to the Fair Political Practices Commission (FPPC).

Ivette Rico, Pinole, identified herself as the Chair of Pinole for Fair Government, and reported a community conversation had been scheduled for April 23, 2022 at the Community Playhouse, with the Chief of Police the special guest. The doors would open at Noon and the presentation would begin at 1:00 p.m. and end at 2:00 p.m., with a half hour question and answer session. Dates for future community conversations had been scheduled for May 7, May 21, June 11, June 18, July 9, and July 18 with meeting locations, guest speakers and meeting facilitators identified. Everyone was invited to attend with all participants asked to wear masks.

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY ANNOUNCEMENTS

A. Proclamations

1. Recognizing Education and Sharing Day

The City Council read into the record a proclamation recognizing April 12, 2022 as Education and Sharing Day.

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, thanked the City Council for the impressive proclamation.

PUBLIC COMMENTS CLOSED

2. Recognition for Lorraine Hartnett in the Event of her Retirement.

The City Council read into the record a proclamation recognizing Lorraine Hartnett in the event of her retirement.

Lorraine Hartnett, speaking from the audience, thanked the City Council for the proclamation.

In addition to the City Council, Roy Swearingen, City Treasurer; City Manager Murray; City Attorney Casher; Deputy City Clerk Stone and City Clerk Bell expressed their appreciation to Ms. Hartnett for her calming presence and professionalism, wished her well on her retirement, stated she would be missed, and presented her with gifts of appreciation.

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, commended Ms. Hartnett for an outstanding job for the City of Pinole, was pleased she was being recognized, wished her well on her retirement, and read a quote from Martin Luther King Jr. into the record.

Rafael Menis, Pinole, agreed with the commendations and suggested Ms. Hartnett's role had been fundamentally hidden from the public which had been unaware of her accomplishments. He suggested Ms. Hartnett made the City better through her personal character, kindness, punctuality, ability to keep everyone on track while at the same time not being unduly negative. He found the City would be losing a great deal with her retirement.

Ivette Rico, Pinole, also commended and recognized the dedication of Ms. Hartnett which was not easily replicated. She wished her well on her retirement.

PUBLIC COMMENTS CLOSED

B. Presentations

1. Community Science Project Presentation by Ann Moriarty, Friends of Pinole Creek Watershed and Dr. Win Cowger, Moore Institute for Plastic Pollution Research

Ann Moriarty, Friends of Pinole Creek Watershed and Dr. Win Cowger, Moore Institute for Plastic Pollution Research, provided a PowerPoint presentation of the results of the Community Science project, "Engaging Community to Protect the Pinole Creek Watershed: Assessment of trash impacts to promote a thriving ecosystem," which included an overview of the community science trash assessment project that engaged the community via multiple partnerships leading to policy and action to reduce trash in Pinole Creek. Community partners for the project were identified with the City of Pinole having collaborated and would continue to collaborate through expediting permitting and waiving fees, providing dumpsters at the City's Corporation yard, geographic

information system (GIS) maps, allowing for staff time, publicizing events, making policy interventions based on findings and funding future assessments.

Dr. Cowger detailed the scientific methodology used pursuant to the California Trash Monitoring Methods and Assessments Playbook and walked through the randomized site choice along the main stem of the creek. The findings of single use food trash found at the study sites by volume and distance to the Bay, and cigarette-related items that were also prevalent in the City limits and trash hot spots were highlighted. An estimated 264 thirty-five gallon trash bins worth of trash had been collected in the creek. While the data had shown that the City was close to completely cleaning the creek, more investment was needed to make Pinole Creek the cleanest creek in the Bay Area. Investments included resource commitment via maintenance crews and staff time, trash capture devices, cleanups and service days, use of a sweeper truck, Pinole Beautification Ad Hoc Committee recommendations and a ban on Styrofoam, and consideration of future implementation.

Policies and actions the community recommended included developing and/or updating city food-packaging and cigarette ordinances; identifying high trash areas of concern and addressing problems; creating a city-owned trash bin inventory; using data to inform new trash bin locations in areas of concern; initiating monthly trash cleanups and harnessing the power of community groups; instituting an “Adopt-a-Street” or “Adopt-a-Spot” Program (Create Pinole Creek Allies); initiating litter-awareness outreach and educational programs in schools and communities (creative media campaign); and funding a follow-up trash assessment in five years (2026).

Ms. Moriarty recognized that this was a long-term community and science collaboration with Friends of Pinole Creek committed to following up with the community, the City Council and staff to protect the Pinole Creek Watershed.

PUBLIC COMMENTS OPENED

Itzel Gomez, Program Coordinator, Earth Team, Pinole Valley High School, and a resident of San Pablo, reported she had been working with students at Pinole Valley High School for about four years. She emphasized the importance of cities to provide safe and clean access to outdoor spaces such as Pinole Creek, a wonderful and natural resource with bio diversity.

Terrence Clark Tecala, intern, Pinole Valley High School Earth Team, reported that Earth Team had conducted a number of assessments of Pinole Creek, detailed the trash collected and agreed a lot more could be done as described in the PowerPoint presentation.

Victoria Espinosa, intern, Pinole Valley High School Earth Team, commented that with the lower water levels the creek water was not as clean as it should be in that it was full of debris. She emphasized the importance of the creek and keeping it clean.

Randy Snook, intern, Pinole Valley High School Earth Team, highlighted his participation during Earth Team events, and commented on the foundation of sciences and cultures that were complex and must be preserved. He trusted the City Council to solve those issues alongside the volunteer efforts and to move towards progressiveness and collaboration. He emphasized the need to consider the overall environmental footprint and urged the City Council to become aware of these problems since the impacts were too great to overlook.

Rafael Menis, Pinole, praised all of the groups involved in the data gathering for the Community Sciences project. He commented that the charts in the PowerPoint presentation were logarithmic and as one goes higher there was an order of magnitude change which may influence how the charts were interpreted. He asked the City Council to consider implementing the recommended policies and actions as soon as possible.

Angela Dagrit, intern, Pinole Valley High School Earth Team, spoke to the benefits of Earth Team and highlighted its participation in litter cleanups and creek assessments. Earth Team was also working on science projects for a network and organization that helped connect people worldwide to help the environment. She detailed how collected trash had been analyzed to determine the impacts from trash on the creek water. The results showed that the trash was very harmful to the creek.

Nicole Castillo, intern, Pinole Valley High School Earth Team, found tranquility and peacefulness being outdoors but it was challenging to have that enjoyment at Pinole Creek due to the litter. She urged the City Council to fund and increase the number of community-based litter cleanups and to raise awareness of the efforts to clean up the creek.

Derek Manahan, intern, Pinole Valley High School Earth Team, detailed the benefits of his participation in Earth Team, suggested that many people littered since they were unaware of the effects on Pinole Creek and the community as a whole, and stated more should be done to increase the visibility of the creek.

Vannapa Dovangphrachanh,, intern, Pinole Valley High School Earth Team, identified the types of debris left in the creek, and litter left below the surface which impacted the environment and natural wildlife habitat. She suggested that Pinole Creek needed more protections to preserve the City's ecosystems.

Natalie Szumlas, intern, Pinole Valley High School Earth Team, also detailed the benefits of being a member of Earth Team and commented on the number of community activities in which she had participated.

Mayor Salimi thanked all students for their participation.

Cordell Hindler, Richmond, was impressed with the students' comments. He had visited Point Pinole on occasion, agreed it was a nice place to enjoy nature, but the litter was frustrating. He agreed that more creek cleanups should be funded by the City.

Tony Vossbrink, Pinole, thanked Friends of Pinole Creek for all the efforts. He agreed more creek cleanups should be funded and scheduled but asked whether or not any microfiber, polyethylene or Styrofoam studies had been done and whether or not the City could impose a user tax on restaurants. He also commented that the sand bags the City used during inclement weather consisted of plastic polyethylene which broke down into microfibers and could go into the creek. He noted that some cities had converted to the use of burlap bags for sand bag stations. Also, while there were open trash bins all over the City, new multiuse recyclable trash bins were to have been installed.

Paula Jarvis, Pinole, a resident of Old Town, commented that Pinole Creek had always been important for recreation, fitness and a connection to nature. She too commended all of the

students for their comments and emphasized how impactful their involvement had been for this project. She encouraged the City Council to extend an invitation to protect local resources whenever possible to continue to build a sense of ownership and pride.

PUBLIC COMMENTS CLOSED

Council member Tave commended the civic engagement and passion of the students present. He clarified with Dr. Cowger, that more research needed to be done for the identified hot spots to determine why litter continued to be an issue, particularly at the Caltrans off and on-ramps, which site had total capture but remained dirty. He also clarified that wet and dry weather data had shown similar concentrations at the sites.

Council member Martinez-Rubin appreciated all comments and the acknowledgement that keeping the creek clean was the responsibility of everyone not just the City Council and community members. She clarified with Dr. Cowger there were no acceptable levels of trash versus significant levels of trash, with a policy for completely clean creeks. Also, despite the higher levels of trash, there was the possibility of reducing the levels if everyone did their share.

Ms. Moriarty stated that Pinole Creek was part of a larger ecosystem that included not just what was seen in the biotic environment but humans, and not just looking at the health of the creek but included the entire community beyond the creek and what it meant to everyone.

Mayor Pro Tem Murphy appreciated the focus on all of the data and the leadership of Friends of Pinole Creek and the Moore Institute for Plastic Pollution Research. He also thanked all of the students and the public for their comments and their patriotism for the community and urged them to continue to challenge the City to work as a partner, consider new ideas, and show up. He referenced the use of The Balancing Act Tool to provide assistance in making funding decisions that was available on the City website, and encouraged the students to get the word out in the community since it would help the City Council to prioritize its next steps.

Council member Toms also thanked Ms. Moriarty and Mr. Cowger for their leadership and all students for their participation. She asked that any future assessment consider other funding opportunities including Department of Fish and Wildlife grants. She also asked that the City Council direct the Municipal Code Update Subcommittee to review the proposed recommendations. She added that on Sunday, April 24, 2022, Pinole Rotary Club would be holding a community cleanup at 1:30 p.m. meeting at the Collins Elementary School parking lot. She suggested an additional recommendation be included with a request that Caltrans install some type of trash capture fence along the on and off-ramps to address the trash migrating down the slope and into the creek.

By consensus, the City Council endorsed the policies and recommendations identified in the PowerPoint presentation to be forwarded to the Municipal Code Update Subcommittee for discussion, although City Attorney Casher explained that the item had not been agendaized for action but could be considered as a future agenda item.

Ms. Moriarty thanked the City Council and took the opportunity to present each Council member with T-shirts promoting the project and also thanked City staff for their assistance with a stack of additional T-shirts provided to the City Manager for distribution.

City Clerk Bell reported that all PowerPoint presentations for this meeting had been posted on the City's website.

9. CONSENT CALENDAR

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

- A. Approve the Minutes of the March 29, 2022 Special Meeting and the April 5, 2022 Regular Meeting.
- B. Receive the April 2, 2022 – April 15, 2022 List of Warrants in the Amount of \$315,832.25 and the April 15, 2022 Payroll in the Amount of \$486,968.11.
- C. Approve An Amendment to the Employment Agreement for the City Clerk **[Action: Adopt Resolution per Staff Recommendation (Shell)]**
- D. Authorize the City Manager to Implement a Recruitment Incentive Program **[Action: Adopt Resolution per Staff Recommendation (Shell)]**
- E. Letter of Support for Assembly Bill (AB) 1944 **[Action: Approve Letter of Support per Staff Recommendation (Casher)]**
- F. Letter of Support for Assembly Bill (AB) 1814 Regarding Investments in EV Charging **[Action: Approve Letter of Support per Staff Recommendation (Mishra)]**

Mayor Salimi reported pursuant to Government Code Section 54953(c)(3), Item 9C included a recommendation to approve an amendment to the Employment Agreement for the City Clerk for a three-year term extension, with a 5 percent merit increase, 5 percent market equity adjustment and other benefit enhancements to the Employment Agreement for the City Clerk, with the amendment to result in an increase of payroll and benefit costs of \$26,286 during Fiscal Year 2021/22, to be absorbed into the Department's current allocated budget.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, referenced Item 9C and praised the City Clerk for her hard work on behalf of the City and stated her merit increase was deserved. Assuming the City Council approved the item and the City Clerk's salary increased as shown in the staff report, he asked how far below the market median her pay rate would be. As to Item 9D, he noted that although the recruitment incentives may rise up to 20 percent of the first year's income, Page 52 of 221 of the staff report stated that neither a signing bonus, referral bonus nor retirement portion of any relocation assistance benefit would be treated as reportable income for the purpose of any City-provided benefit program including retirement, and therefore the incentives would not lead to ongoing pension costs. As to Item 9F, he urged the City Council to send a Letter of Support for AB 1814.

Mayor Salimi advised that City staff would reply to Mr. Menis' comments via email.

PUBLIC COMMENTS CLOSED

ACTION: Motion by Council member Toms/Mayor Pro Tem Murphy to Approve Consent Calendar Items 9A through 9F, as shown.

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

10. PUBLIC HEARINGS

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

- A. Conduct First Reading of Ordinance Adopting a Military Equipment Use Policy and Adding Chapter 2.60 to the Pinole Municipal Code in Compliance with AB 481
[Action: Conduct Public Hearing and Approve First Reading of Ordinance (Casher)]

Mayor Pro Tem Murphy asked that the item be tabled to a future meeting, and Mayor Salimi clarified after speaking with the Mayor Pro Tem that his request to table was to allow more time for a discussion.

Council member Toms commented that the public hearing could be opened, staff allowed to make a presentation and have discussion, and if the item must be tabled it could be done at that time.

City Attorney Casher reported that state law required the City to start the initiation of the Military Equipment Use Policy and Add Chapter 2.60 to the Pinole Municipal Code in compliance with AB 481 by May 1, 2022. The next regular City Council meeting was scheduled for May 3, 2022 and it was appropriate to have a discussion on the first reading of the ordinance. A subsequent second reading would allow for additional discussion and public comment.

City Attorney Casher provided a PowerPoint presentation which included an overview of AB 481, Military Equipment, Funding, Acquisition and Use, and which required law enforcement agencies' governing bodies to adopt a written military equipment use policy by ordinance prior to the acquisition and use of any military equipment, and the approval of such a policy for the continued use of any existing military equipment. An overview of Pinole Police Department Policy #707 was also provided with all information in the April 19, 2022 staff report. He added the Municipal Code Update Subcommittee had reviewed and recommended approval of the ordinance on April 11, 2022.

Chief of Police Neil Gang emphasized that protecting and serving the community was paramount with the needs of the community essential and with the Police Department sensitive to the

community's concerns with such equipment, although this equipment was needed and necessary for the preservation of life.

Pinole Police Department Operations Lieutenant Jeremy Crone also emphasized the primary objective was the preservation of life with part of the core tenets and values, accountability and transparency, the guiding light in the way the policy had been written. The PowerPoint presentation provided an overview of the background and requirements of AB 481, and Pinole Police Department Policy #707. He highlighted the Pinole Police Department's military equipment and uses per AB 481 and the approval and timeline of the ordinance.

PUBLIC HEARING OPENED

Rafael Menis, Pinole, thanked the Pinole Police Department for working with staff to prepare the ordinance with transparency a key core of city government with how the City was using its resources building trust in the community. He asked why the Police Department required a rifle per police officer but only needed one or two of the pepper guns and bean bag shot guns for crowd control, since non-lethal force should be considered rather than the lethal force a gun would provide to each individual officer. He expressed his appreciation to the Police Chief for having reached out to him to answer questions he and other members of the community had with respect to the use of the Mine Resistant Ambush Protected Vehicle (MRAP), Emergency Rescue Vehicle (ERV).

Debbie Long, Pinole, reminded everyone the Police Department was not an island unto itself and while some may believe that the military equipment that had been identified was not necessary, it was necessary because it included all of Contra Costa County when the Police Department got the call to work cooperatively with other agencies. Referring to the private conversation the Mayor had with the Mayor Pro Tem in the middle of the meeting, she suggested that conversation should have been open to the public since it was part of the meeting. She asked why the Mayor Pro Tem opposed moving forward with the public hearing at this time.

Bob Kopp, Pinole, was pleased the Pinole Police Department had a MRAP ERV which could be used in the event of a riot situation and which could be used by other agencies. He understood the MRAP ERV required little maintenance and offered protection to the Police Department and Pinole citizens.

PUBLIC HEARING CLOSED

Mayor Pro Tem Murphy explained that he had requested the item be tabled to allow more time for discussion and had been unaware of the May 1 deadline. He clarified with the Police Chief the cost of maintaining the military equipment with the acquisition costs of the MRAP ERV was less than \$10,000 and less than \$500 in annual maintenance costs.

Lieutenant Crone detailed the maintenance costs which were soft costs. Between all of the equipment, the annual maintenance costs would be \$3,000 to \$5,000.

Mayor Pro Tem Murphy understood the intent of AB 481, which was focused around transparency. If the ordinance was adopted, the state required an annual review process and he asked about the next steps.

Lieutenant Crone explained as the Operations Manager he would be the coordinator for this new policy. Part of the annual review would include an outline of current military equipment and any proposed changes to that equipment. Any complaints received regarding the use of the military equipment and how those issues were resolved would go hand-in-hand with the budget process to prepare for the current fiscal year and years in the future.

Police Chief Gang added that any new technology to be acquired or which the Police Department desired to acquire would also be part of the annual reporting and be shared with the City Council.

Mayor Pro Tem Murphy was challenged by the local and national violence occurring and the militarization of Police Departments, which was part of a culture many in the community were of the opinion should be challenged. He detailed the findings the City Council must make to adopt the ordinance, as shown on Page 80 of 221 of the staff report, which findings could be nuanced. He asked the Police Chief how to create a space where those findings involved an open and living conversation.

Police Chief Gang reiterated the Pinole Police Department was responsible for the safety and security of all residents. While there was a national narrative, it had painted the police with a broad stroke which was unfair and not commensurate with the local level of policing. The MRAP ERV would not be used for any proactive policing and concerns with the use of this equipment was when the equipment was being used proactively. As an example, in the event of an active shooter at a school, the Police Department needed a vehicle to rescue people safely and the MRAP ERV provided the capacity to bring people out of a situation safely and was only used for life saving measures.

Police Chief Gang was unaware what other communities had done with respect to community engagement on the use of military equipment and meeting AB 481, but he imagined some communities had oversight committees.

City Attorney Casher acknowledged some communities had oversight police committees. He noted that Section 707.8, Community Engagement, of Attachment B, Military Equipment Funding, Acquisition and Use Policy, required *within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.*

Council member Martinez-Rubin suggested safety to the public and the Police Department was important. She found the equipment ancillary to prevent the types of injuries and events that may happen in Pinole. She was pleased to see there was some criteria in place on the use of such equipment, with safeguards and cost effectiveness, reasonableness of use and fiscal impacts all considered. She thanked the Police Department in advance for putting the policy in place for review and acknowledged the intent to do the best possible for the City of Pinole. She also found the City had to care about what was happening in other communities given boundaries were crossed and the crime statistics reported over time bore that out.

Council member Tave recognized this was not an easy topic, there had been many concerns in the community but it was important for the community to understand how and why some of the equipment such as the MRAP ERV was being used. He asked the Police Chief to provide clarification whether other agencies used the equipment, detail the training involved in its use,

whether the equipment would be considered a regional asset and whether there was an agreement in place for its use.

Police Chief Gang clarified the MRAP ERV was a regional asset, part of a Memorandum of Understanding (MOU) throughout the County to be utilized with other organizations as a rescue vehicle, as needed. In terms of training, he commented there had been some challenges over the past two years due to the pandemic with much of the training done online with two additional persons requested to provide real time training.

Lieutenant Crone emphasized that training was paramount and critical for the MRAP ERV and only those trained would operate the equipment. He provided an overview of Section 707.6, Coordination with Other Jurisdictions as shown in Attachment B to the staff report, and while the equipment may be used regionally it would be under the City's policy control and guidelines. That was part of the trust that the equipment would only be used within the guidelines set forth and as approved by the City Council.

Police Chief Gang added that proactive entry vehicles were smaller and more maneuverable, and the MRAP ERV was only obtained for one purpose, to rescue people due to a multitude of reasons and to remove people safely.

Lieutenant Crone also clarified the semiautomatic rifles and ammunition and commented that each rifle was made into each officer, with the rifle set to that officer's standards and sighting with the purpose of the rifle to offer precision and safe engagement. The less lethal options that had been identified in the PowerPoint presentation were the only items required by AB 481 to be disclosed, in that every officer was issued pepper spray, a Taser and constraint device as less lethal options. Shot guns and pepper balls were not precision weapons and deployed with the patrol team. Also, officers could not use all equipment at once while an officer may be using the equipment, other officers have to be engaged in either apprehension or coverage operations to ensure total safety.

As to the statistics for the employment of the military equipment identified, Police Chief Gang explained he would have to research the data to provide accurate information when the equipment had been deployed. He clarified the Pinole Police Department was not creating a new program in response to AB 481, it already had policies in place. AB 481 was a national policy but would be fine-tuned to Pinole's expectations.

Mayor Salimi understood the MRAP ERV was a tool to save lives and it was better to have it and not use it rather than not have it and need it.

Council member Toms understood the Pinole Police Department provided mutual aid to other agencies with the MRAP ERV an asset the Pinole Police Department may be called upon to provide. As part of the annual reporting requirement under AB 481 and in addition to what was required, she wanted to see data when the equipment was deployed either for an incident or exercise and what other equipment from other agencies had been deployed for Pinole's benefit.

City Attorney Casher reiterated this was the first reading of the ordinance. The ordinance would not go into effect until 30 days from the approval date at the second reading scheduled for the regular City Council meeting of May 3, 2022, to be agendaized as a consent item.

ACTION: Motion by Council member Martinez-Rubin/Toms to conduct a first reading of an ordinance adopting a Military Equipment Use Policy and Adding Chapter 2.60 to the Pinole Municipal Code in Compliance with AB 48.

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

11. OLD BUSINESS

A. Fire Department Update [Action: Receive and File Report (Wynkoop)]

Fire Chief Chris Wynkoop provided a PowerPoint presentation of the Fire Department Update, and highlighted three strategies he had recommended including adding an Administrative Fire Captain position, transitioning from a contract Fire Inspector to a sworn Fire Prevention Captain, and return to the City Council with an update regarding a return to the 15 frontline staff deployed as an engine-squad-model from Station 73 or contract for service/integration with the Contra Costa County Fire Protection District (Con Fire).

The Administrative Fire Captain position had been added in February 2022 to address deficient managerial and administrative functions to support the City's Strategic Plan goal to create and maintain a high-performance Pinole through optimizing efficiencies. As part of the added position, significant dividends had been realized including implementation of a recognized industry best practice narcotics tracking software (PSTrax), establishment of an electronic daily staffing application (Vector Scheduling), initiation of a Department cost recovery program, and City of Pinole representation at the County-level fire operations and Emergency Medical Services (EMS) meetings. Additional duties of the Administrative Fire Captain were also highlighted.

The Fire Prevention Captain was chosen for assignment in February 2022. The Fire Prevention Captain had been reassigned to Engine 73 due to operational needs and the Captain's promotional exam had been scheduled for June 2022, when a new Fire Prevention Captain would be assigned. The fire prevention services would continue to be offered through the Department's contract Fire Inspector.

Fire Chief Wynkoop reported the third strategy had been to return to the City Council with an update on returning to the staffing configuration prior to the original opening of Station 74 in 2003 (15 frontline staff deployed as an engine-squad-model from Station 73) or engage in discussions with Con Fire about a contract for service/integration through which Station 74 could be reopened. Since some potential opportunities existed due to Measure X and given consolidation discussions among other agencies, City staff recommended a return to the City Council in the third quarter of Fiscal Year 2021/22 with a clearer picture as to how Con Fire and the Pinole Fire Department may most effectively collaborate. He noted since that time Measure X funds had been allocated to Con Fire for fire service fortification countywide under their superintendence.

Fire Chief Wynkoop explained in May 2021, the Contra Costa County Executive Fire Chiefs presented a request to the County Measure X Advisory Board for funding to reopen five closed fire stations including Pinole Fire Station 74, and add 45 firefighters countywide. He detailed the City's efforts in support of the County Fire Chiefs proposal. In November 2021, the Contra Costa

County Board of Supervisors (BOS) approved the County Fire Chiefs request with \$2 million annually plus annual adjustments allocated toward reopening Fire Station 74 under an integrative agreement with Con Fire. With the City Council approval, the City initiated discussions with Con Fire regarding a contract for service whereby the City's budgetary contribution subsidized by the \$2 million Measure X allocation would enable both Stations 73 and 74 to be fully staffed and operational under Con Fire's superintendence. It was anticipated that the City's contribution would be comparable to that which it currently budgeted to operate one station.

In terms of the timeline, Fire Chief Wynkoop explained that once tentative contract terms were agreed upon, an independent fiscal analysis service plan and letter of agreement from the labor group and resolution of City Council support would need to be submitted with the contract to the Local Agency Formation Commission (LAFCO) for approval. The anticipated timeline for the completion of the contract and LAFCO submission/approval was fall of 2022, with an estimated implementation to include the reopening of Station 74 in late winter/early spring 2023. It was the City's intent to negotiate a contract with Con Fire through which Pinole was served by two fully staffed fire stations for a cost comparable to what was currently being budgeted for a single station.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, thanked the Fire Chief for the updates as presented and having actual concrete details rather than assumptions. He also thanked everyone involved in obtaining BOS approval to allocate Measure X funds, including the BOS, County staff, County Fire Chiefs, those who voted in support of Measure X and City officials along with those who supported the Measure X fire funding allocation that would allow Fire Station 74 to reopen.

Debbie Long, Pinole, commented that while she was not opposed to partnering with Con Fire and the County, but this may not be simply a contract for services. With the \$2 million in Measure X funds, it meant that Con Fire would essentially take over all fire personnel labor. The City would still be responsible for the cost of maintenance and upgrades for its stations and all equipment including maintenance and replacement and current retiree pensions and unfunded liabilities for future pensions associated with the Fire Department. Labor costs for firefighters in the County far exceed what Pinole had and there would be costs for an additional fire station and additional labor costs for the entire Fire Department along with costs for unfunded liability and the BOS as members of Con Fire. She questioned staff's assertion that the current budget coupled with the additional money from the County would not only cover the reopening of Fire Station 74 but all the other costs associated with the Fire Department.

If the contract to reopen Fire Station 74 kept employees under the City umbrella, Ms. Long would fully support the reopening of Fire Station 74 making services more available within the City and it would improve Battalion 7. As a condition of receiving money, Fire Station 73 would be more easily able to be dispatched along the entire San Pablo Avenue Corridor with Rodeo-Hercules Fire Department and Con Fire had recently confirmed there was not a need for another station in their district. If Fire Station 74 was reopened, Fire Station 73 could easily be the primary dispatch from Sycamore Drive in Hercules to as far as Montalvin Manor and include the in between neighborhoods of Montara Bay and Tara Hills, all County jurisdictions underserved by the County Fire Department.

Ms. Long cited calls for service she had kept, suggesting the County needed Pinole's services for at least and probably more than Pinole did, and noted that Fire Station 73 was the go-to engine for overspill in the Rodeo-Hercules Fire Department. She suggested that the Rodeo-Hercules Fire Department should be part of any contract, suggested at some point the City may not be able to pay for a labor contract, and if that happened an escape clause would be needed that would allow recruitment of firefighters again. She pointed out it was not that long ago the County had decided to unilaterally discontinue paying Pinole for services delivered to the unincorporated areas of Tara Hills, but the City still had to cover the area and she had information to support those claims.

Cordell Hindler, Richmond, supported the Fire Department update and looked forward to the Fire Department gaining additional personnel.

Vincent Wells, Union President, Local 1230, United Professional Firefighters of Contra Costa County Pinole, appreciated the Fire Department Update and the discussion about reopening Fire Station 74, which had been on his wish list for years since its closure. He thanked everyone involved in working to get the fire station reopened and those who supported the passage of Measure X which provided much needed funding for fire services. As to Battalion 7, he commented that everyone in that jurisdiction relied on their services and adding additional resources regardless of where it came from and who paid for it, and reopening the fire station benefitted the entire area whether one lived in Pinole, Hercules, Rodeo or the County. He stated that Local 1230 was very supportive of moving forward with everything it would take to reopen Fire Station 74 benefitting Pinole and beyond.

Irma Rupert, Pinole, also thanked the Fire Chief for all of the hard work to benefit the community. She also thanked the Pinole Fire Department and Contra Costa Supervisor John Gioia for considering the safety of Pinole residents and for supporting the reopening of Fire Station 74.

Bob Kopp, Pinole, commented that the City Council held meetings in the past to discuss the Fire Department and the Fire Department had paid thousands of dollars for an independent company to conduct a survey of the community's needs. He suggested the proposed contract under discussion was not consistent with the results of that survey which had not recommended the reopening of Fire Station 74. At that time, the cost difference with the County would have raised the costs to the City considerably.

Mayor Salimi stated the entire City Council was appreciative of the work of the Measure X Advisory Committee, Local 1230, members of the community and the BOS for allocating Measure X funds for much-needed fire services.

Council member Toms commented she had participated in numerous Measure X Advisory Committee meetings and was familiar with the concerns raised by East and West County representatives. She looked forward to reviewing the proposed contract and hoped they would have something they could all be proud of.

Mayor Pro Tem Murphy congratulated the new Fire Captain and thanked everyone who supported Measure X. He referenced a letter sent by the City Council to the Measure X Advisory Committee, detailed the contents of the letter, and asked the Fire Chief how funds would be used to provide diversity and inclusion in the workspace.

Fire Chief Wynkoop highlighted the countywide emphasis on hiring practices at the ground level and engaging communities that were underrepresented in fire services. There would be engagement at the school levels with fire services as an optional career path with more targeted recruiting to the underrepresented communities. As to the amount of funds to be utilized for that effort he would have to return with that information.

Mayor Pro Tem Murphy asked whether the fire stations were modified for current seismic standards, and Fire Chief Wynkoop suggested Fire Station 74 as a newer building would likely be up to seismic standards but he would have to check with the Public Works Department on seismic upgrades related to Fire Station 73.

Mayor Pro Tem Murphy commented the Finance Subcommittee had recently reviewed the Capital Improvement Plan (CIP) and discussed an Energy Audit. He asked whether Fire Station 74 would be included within that assessment.

City Manager Murray confirmed the funding for assessments would include Fire Station 74. He clarified the \$2 million allocated by the BOS in Measure X funds was specifically for collaboration for Pinole to reopen Fire Station 74 and none of the Measure X funds earmarked for Fire Station 74 were intended for facility energy upgrades where that funding would have to come from another funding source.

Mayor Pro Tem Murphy asked how often the City Council would be apprised of the status of contract negotiations, and Fire Chief Wynkoop expressed the willingness to provide updates as needed.

City Manager Murray clarified that they were not in negotiations at this time but sharing ideas and business points, with the City Council to consider a potential contract in fall 2022 with the reopening of Fire Station 74 in late winter/early spring 2023, as earlier reported.

Council member Martinez-Rubin asked for clarification of the statement that *it was the City's intent to negotiate a contract with Con Fire through which Pinole was served by two fully staffed fire stations for a cost comparable to which was currently being budgeted for a single station*. She also asked who would conduct the independent fiscal analysis and the term of the contract with integrated services with Con Fire.

Fire Chief Wynkoop explained that he had seen contracts in five-year increments. One of the items to be discussed in future joint meetings was the deliverables to LAFCO, division of taxes and timelines of the division and how much the collective team could take care of itself and what needed to be outsourced.

City Manager Murray noted there was a field of professional teams that conducted independent financial analyses for local agencies and for shared services and a lot of LAFCO processes required such an analysis with a standard model of what that analysis should look like.

Council member Martinez-Rubin wanted more information on the true costs by the time a contract was signed, and City Manager Murray commented that everyone was interested in getting an independent expert perspective on the topic and there were colleagues available who could provide resources on this effort. The independent analysis would be a key piece of information when deciding whether to proceed.

Fire Chief Wynkoop also clarified what had changed for the funding of the two fire stations in Pinole since the funding sources had changed. They were now considering a broader perspective with the efficiencies gained by doing this in a large scale which had economic advantages and which was different compared to prior efforts.

Council member Tave again clarified with Fire Chief Wynkoop, City Manager Murray, and City Attorney Casher the role and process of LAFCO in this effort and which process required the independent financial analysis. He also clarified with City Attorney Casher the process by which some of the deal points would be discussed as part of public meetings and staff was unaware of any issues at this time that would lend itself to a Closed Session.

Mayor Salimi thanked Fire Chief Wynkoop for his assistance and effort in getting the City of Pinole the \$2 million in Measure X funds. He also clarified with the Fire Chief a prior fire study had recommended that Fire Station 74 be reopened but the obstacle had been the funding source. The difference now was a sustainable funding source to reopen Fire Station 74. He asked the Fire Chief to opine how there would be sufficient funds to open two fire stations and have the staff to maintain those stations.

Fire Chief Wynkoop explained that some of the figures that had been discussed by the City Council and raised by the public were estimates provided by Con Fire as to the average costs to operate a fire station, estimated at \$3 million. He was confident whatever the difference may be it would not be significant to where they would not think it was a good idea to proceed.

Mayor Salimi asked the Fire Chief to opine on the public perception that if more ambulances were available two fire stations would not be needed, to which Fire Chief Wynkoop acknowledged that while ambulances provided a tremendous and necessary service, fire services entailed more than transportation of patients and EMS. Reopening Fire Station 74 would give proximity of fire stations to the community. He added that oftentimes fire personnel arrived prior to an ambulance and provided a plethora of services to the community.

Mayor Salimi asked if Fire Station 74 was reopened and if for any reason it could not be supported in the future, whether there was an escape clause associated with the contract that would allow Pinole to revert back to a prior process.

Fire Chief Wynkoop explained that would be one of the many things to be discussed and there would be standard clauses in the contract for unlikely situations.

The City Council again thanked the Fire Chief for the presentation.

12. NEW BUSINESS

- A. Receive Report on How the City Facilitates/Supports Community Events Organized by Private Organizations and Provide Direction as Appropriate [Action: Receive Report and Provide Direction (Picazo)]**

Recreation Manager Maria Picazo provided a PowerPoint presentation on how the City Facilitates/Supports Community Events Organized by Private Organizations and provided examples of City support, which included facilitating the event organizer's application for City

permits, paying the cost of permits and rental fees on the organization's behalf, installing traffic barriers, providing additional garbage receptacles, garbage collection and post-event clean up and filming and televising events. City support also included providing audio/visual equipment, chairs, coordination and paying for portable toilets, providing additional public safety staffing and use of City facilities.

The process used prior to 2021, a pilot process and the creation of a special event permit process to be implemented in 2022/23 were all highlighted and detailed in the April 19, 2022 staff report. It was also clarified that \$100,000 had been allocated for community events.

Ms. Picazo explained when implementing the procedure that a specific City staff person serving as the single point of contact for private event organizers and appropriating funding specifically for City support of privately organized community events had been successful and an improvement over the prior ad hoc process; however, the City still lacked detailed policies regarding what forms and amount of support it could provide to privately organized community events. She recommended the Community Services Department draft such policies for City Council consideration subsequent to the arrival of the new Community Services Director.

PUBLIC COMMENTS OPENED

Bob Kopp, Pinole, reported the Car Show Committee had given the City almost \$8,000 in 2019 to be used for Pinole TV and the Pinole Police Department for the Explorers. In 2020, the event had been canceled and in 2021 monies raised had been divided between Pinole TV and the Senior Center. The Car Show was a long-time event for Pinole, had been very successful, and was expected to be successful in 2022 due to the sponsors involved and events planned to be held. The Car Show was scheduled for the last Sunday in the month of June. He noted that all of the 2022 event permits and fees had been paid and he welcomed any questions from the City Council about the event.

Responding to the Council, Mr. Kopp again clarified the monetary contributions provided to the City over the last three years with the event having been very successful for the nearby businesses bringing a lot of people into Old Town from Pinole and all over the region. He suggested the Car Show was the largest event in the City of Pinole. He added that with the assistance of the Pinole Police Department, there had not been backups on Pinole Valley Road the day of the event when the Public Works Department had also provided assistance.

Rafael Menis, Pinole, suggested it would be a good idea to refer the recommended policies to the Community Services Commission prior to consideration by the City Council.

Cordell Hindler, Richmond, agreed the City Council should refer the recommended policies to the Community Services Commission prior to consideration by the City Council and not wait until a new Community Services Director was employed.

PUBLIC COMMENTS CLOSED

Council member Martinez-Rubin liked the idea of having the Community Services Commission weigh-in on the recommended policies with the new Community Services Director to provide input on what a guidance document should include given that person's involvement in other cities. She asked that a volunteer log sheet be created with the goal of documenting the non-profit

organizations that would collaborate with the City on community events, and uniformly log-in pieces of information such as number of volunteers, volunteer hours over the different phases required for a volunteer group to spend on planning, promoting, publicizing and distributing promotional materials, recruitment, training and implementation of the event so that when the City sought community-oriented grants that information would be available.

Council member Martinez-Rubin commented as an example for the Car Show, the City could use that information to review the costs the City would bear with some documentation on the actual labor involved and the associated non-monetary benefits.

Mayor Pro Tem Murphy was pleased the City would have a liaison role between the private organizations and the Recreation Manager to facilitate existing events and plan for new events, particularly if the City were to implement a new policy. He agreed the Community Services Commission should review the recommended policies which could be done before a new Community Services Director was in place.

In terms of data collection, Mayor Pro Tem Murphy wanted to see it done in such a way to protect private citizens. He encouraged the idea of potentially considering the data collection around attendance numbers in working with the private organizations to learn the number and who was attending the events, such as whether or not attendees lived in Pinole. Accessibility information derived from certain areas that may be more accessible would also be a great next step and should be considered as part of a new Special Event Permit process.

Council member Toms thanked Mr. Kopp for his ongoing work with the Car Show. She commented she had participated in many of the community events identified. She too supported the staff recommendation to be considered by the Community Services Commission, with those volunteers who served on the Commission to benefit from that review prior to City Council consideration.

Mayor Salimi understood the recommendation from the City Council was to have the Community Services Commission consider the staff recommendation and consider the creation of a tracking spreadsheet as described. He asked the City Manager to provide direction on the next step.

City Manager Murray explained that the City was diverse with different types of privately coordinated community events with the Car Show the largest event. He expected the Community Services Commission and new Community Services Director would recommend a more fine-grained policy for City Council consideration. The City Council had budgeted \$100,000 for community events, different from the monies budgeted for City-organized events, such as the Easter Egg Hunt and National Night Out, as examples. There was no action as part of this agenda item, which was a presentation on the pilot program and the staff recommendation for City staff to return with a more detailed set of recommendations on policies. Staff supported a recommendation for the Community Services Commission to consider the staff recommendation.

Council member Toms offered a motion seconded by Mayor Pro Tem Murphy to provide direction to staff to develop a policy for how the City facilitates/supports community events organized by private organizations to go through the Community Services Commission prior to coming to the City Council, with the City to work with the volunteer organizations to collect data for the hours of volunteer time and include what tasks they were working on, and for volunteers or staff to collect demographic information on attendees and city of origin, where feasible.

On the motion, Council member Martinez-Rubin agreed with the motion as stated but clarified she did not want to make the collection of data to be so burdensome it would become an additional step. She recognized they were working with volunteers and there was a need to document their effort to the extent possible to enhance existing programming.

City Attorney Casher clarified in response to the Mayor who wished to re-open public comment, there was an active motion and second on the floor but the motion could be tabled.

Council member Toms asked that the City Council move forward. A policy was not being approved at this time in that direction was being provided, with the issue to go through the Community Services Commission where more input would be provided.

ACTION: Motion by Council member Toms/Mayor Pro Tem Murphy to provide direction to staff to develop a policy for how the City facilitates/supports community events organized by private organizations to go through the Community Services Commission prior to coming to the City Council, with the City to work with the volunteer organizations to collect data for the hours of volunteer time and include what tasks they were working on, and volunteers or staff to collect demographic information on attendees and city of origin, where feasible.

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

Mayor Salimi re-opened public comment at this time.

Bob Kopp, Pinole, commented there had been a program in place for 25 plus years for the Car Show and everything had run smoothly. He questioned asking volunteers to track information on top of the volunteer work already required and placing more rules and regulations which may result in the loss of the Car Show. He added the Community Services Commission had not expressed an interest in becoming involved with the Car Show which staff could attest. He reiterated that all permits and fees for the event for this year had been paid and he questioned the imposition of additional unnecessary regulations. He did not oppose a City Council desire to track attendees but he did not like the motion which further complicated the situation.

Council member Toms clarified her motion, as stated. No policy was being approved at this time. The Community Services Commission would review the proposed policy and concerns related to an additional burden would be addressed when the item came back to the City Council.

**B. Overview of the History and Activities of Pinole Community Television (PCTV)
[Action: Receive and File Report (Murray)]**

Pinole Community Television Coordinator David Snell provided a PowerPoint presentation which included an overview of the history and activities of Pinole Community Television (PCTV) and which highlighted PCTV's content. That content included programs about City services including local public safety information; community festivals and neighborhood events; City government

meetings; local business news and information; local arts, history and culture; local health and wellness programs; programs about local organizations and clubs, gardening programs, courses from area colleges and universities, senior citizen activities and concerns, local sports and recreational activities, Board of Education meetings, programs about schools and school activities and student production programs. The Digital Infrastructure and Video Competition Act of 2006 (DIVCA) was also highlighted.

Mr. Snell reported as a result of the recession, in 2011 PCTV's budget had been reduced, with staff reduced to two full-time employees. In Fiscal Year 2016/17 the City established new rates for organizations that wanted to have their local events broadcast on PCTV. As a result, local organizations discontinued having their local events broadcast on PCTV. In Fiscal Year 2021/22, the City expected to collect \$302,972 in franchise fees from Xfinity and AT&T, with \$250,000 having been budgeted for the General Fund and \$52,972 budgeted for PCTV. The City also expected to collect \$50,500 in public, educational and government access (PEG) fees. PCTV had budgeted for two full-time employees and two part-time employees and currently had contracts to film and produce in-person or hybrid City Council meetings for the cities of El Cerrito, Benicia and Vallejo. He explained when those bodies returned to a hybrid or to in-person meetings, significant PCTV staff would be required.

Mr. Snell went on to explain that PCTV was a minimal operation, some equipment replacement plans had been delayed which required additional staff time in content and data management and which further impacted the staffing shortage. He also highlighted new developments as part of AB 2635 which may lead to PEG operations in the state being offered in High Definition (HD), which would greatly improve the resolution and quality of the video delivered to viewers but which required some equipment upgrades to broadcast content in HD. At this time, he provided short snippets of videos to illustrate some of the synergy and content broadcast on PCTV.

City Manager Murray explained that this was an information item only at the request of the City Council as a future agenda item to provide an overview of the history and activities of PCTV. No action was asked of the City Council at this time.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, asked for clarification on the PEG funding along with the City's funding of PCTV and what level of funding was needed to bring PCTV to the level desired to address the anticipated increase in the work load in the near future. If PCTV was to be funded, he asked of the costs for upgrades on the production end to allow the station to broadcast and what requests, if any, PCTV would make at this time to address its needs.

Cordell Hindler, Richmond, appreciated the comprehensive update on PCTV, understood that additional staffing was needed once in-person meetings restarted, and hoped that PCTV would be present for National Night Out.

Irma Ruport, Pinole, asked that Mr. Snell be designated as the Director of PCTV. She appreciated his background and expertise and asked the City Council to provide Mr. Snell with what was needed to improve PCTV. She also asked that the rules and regulations be stated for those in the community who wanted to use PCTV.

Council member Toms asked during the budget discussions that estimates be provided on equipment needed to be acquired consistent with AB 2635. She understood that volunteers or sponsorships had filmed various community events/sports activities in the past and that some members of the high school community had requested that filming community events and sports activities be continued. She asked that the cost of doing so be identified in the Fiscal Year 2022/23 budget in terms of what PCTV needed in order to return to prior services levels.

Mayor Pro Tem Murphy wanted to see PCTV budget recommendations related to staffing and how the livestream of PCTV could be posted on the City's Facebook page. He also wanted more information on the rates for organizations that wanted to utilize PCTV to film events and activities.

Mr. Snell reported that PCTV was now livestreaming on YouTube and could also broadcast on Facebook if that was the direction of the City Council. As to the rates for community events, in past years there had been no charge imposed since PCTV had been a free public access production with staffing comprised of volunteers, but that had been previous to the recession and the loss of the Redevelopment Agency. Given the accumulation of those losses, reductions had to be made and the rates that should be charged for community events had been revisited with no special rate for friends and families. As a result, the rates for clients had become burdensome for some such as Pinole Valley High School, which no longer televised its graduation ceremonies.

Mr. Snell also clarified, when asked, there was no budget or process started to update the 2003 PCTV Business Plan or to consider a community survey. Due to DIVCA, the immediate need for a community survey was not as prevalent as in past years. There was no current standard for PCTV to film community events, which was the judgment of the City coordinator with the intent to provide equal and fair representation when requests were made. Again, following the recession, PCTV was too constrained to film all community events and most events shut down from PCTV's participation.

Council member Martinez-Rubin asked how PCTV's involvement could follow the larger goals in the Strategic Plan, which could identify the need for additional equipment and staff. She agreed the 2003 Business Plan should be updated. The concept of PCTV's original concept was one of the distinctions of local television stations and ongoing production that was Pinole-focused would help PCTV, with volunteers to potentially assist in production and content. She asked that the list of equipment and associated costs include the skills and talents that could be acquired in the Pinole community and partners across other cities. She suggested PCTV look into podcast capabilities and other media that would complement what PCTV provided and what it could provide.

Council member Tave agreed the PCTV broadcast could be better with improved equipment and a program needed to be in place. He understood that American Rescue Plan Act (ARPA) funds could be used for PCTV and asked the City Manager to provide clarification.

City Manager Murray understood that the Finance Director would be recommending the City claim its ARPA funds under the lost revenue clause, whereby they would be General Funds to be used for whatever purpose the City desired.

Mayor Salimi summarized the direction from the City Council for PCTV to come back with clear direction on what was needed or wanted for Fiscal Year 2022/23, reach out to volunteers, consider

a new Business Plan, review how PCTV could meet the goals of the Strategic Plan, and consider better broadcast quality with the knowledge the equipment was outdated.

Mr. Snell clarified that PCTV was close to an HD conversion and he was optimistic it could bring some HD components in sooner rather than later. He agreed that volunteers were important but noted that it took time to make that happen.

Mayor Salimi looked forward to continued discussions as part of the budget.

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

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

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

Cordell Hindler, Richmond, suggested the City Clerk had done an incredible job, was otherwise disappointed the City had not considered a Class and Compensation study and appreciated the Community Science Project Presentation and the input provided by students.

14. ADJOURNMENT to the Special City Council Meeting of April 26, 2022 in Remembrance of Amber Swartz and Bill Jurney.

Police Chief Gang reported that Pinole Police Officers recently responded to a call and the victim had been Bill Jurney, an original Pinole Police Department Posse member who passed away on April 18, 2022. He asked for thoughts and prayers for the family and expressed appreciation for Mr. Jurney's service to the community.

At 10:32 p.m., Mayor Salimi adjourned the meeting to the Special City Council Meeting of April 26, 2022 in Remembrance of Amber Swartz and Bill Jurney.

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council:

