

**CITY COUNCIL MEETING
MINUTES
July 5, 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 6:01 p.m. and led the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT

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

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

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

A. COUNCILMEMBERS PRESENT

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

B. STAFF PRESENT

Neil Gang, Acting City Manager
Heather Bell, City Clerk
Eric Casher, City Attorney
Chris Wynkoop, Fire Chief
Sanjay Mishra, Public Works Director
Markisha Guillory, Finance Director
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on Thursday, June 30, 2022 at 4:00 p.m. with all legally required written notices. No written comments had been received in advance of the meeting.

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

Gov. Code § 54956.9 (d)(1)

Name of Case: City of Pinole et al v. PG&E

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

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

At 6:56 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

Maria Alegria, Pinole, referenced the action the City Council had taken on June 7, 2022 to include the Faria House in the Capital Improvement Program (CIP) for Fiscal Year 2022/23. She thanked the Mayor Pro Tem and Council member Tave for voting to oppose the expenditure of \$420,000 for the Faria House and \$65,000 for the pocket parks on Galbreth Road, which expenditures were close to a million dollars in Measure S 2014 funds and which did not meet the description in the CIP for this category nor did it meet the intent of Measure S 2014 funds. She reminded the City Council that Measure S had barely been approved by the voters in 2014, but the tax was being used as a slush fund for pet projects. The language in the measure clearly stated the local sales tax was to maintain essential police and fire services, prevent the reduction of maintenance of City parks and streets and prevent the reduction of youth, family and senior recreational services. She questioned whether the two projects qualified as important infrastructure projects while City parks and streets lacked maintenance and youth and senior programs needed funding.

Ms. Alegria also disagreed with the City Attorney's opinion that the Mayor did not have a conflict of interest with the Faria House renovations in that any public money spent to renovate the Faria House would increase the value of City-owned property and adjacent properties in the area. She stated the public needed answers as to why the Mayor had recused himself on similar decisions in downtown Pinole, such as for the Historical Overlay District and sale of redevelopment properties. She asked why the Mayor's yes vote to spend \$420,000 for the Faria House renovations was any different.

Mayor Salimi asked the City Attorney to contact Ms. Alegria with a response to her comments on the use of Measure S funds and whether or not he had a conflict of interest.

Rafael Menis, Pinole, suggested it was reasonable the expenditures for the pocket park on Galbreth Road could be classified as maintenance for a park since the benches had been poorly maintained and the intent was to bring them to appropriate standards. On another matter, he reported the City of Pinole's rate of new COVID-19 cases was the second highest in Contra Costa County and he continued to encourage everyone to mask indoors, particularly in crowded areas. In addition, he spoke to the historical legacies attached to the Fourth of July holiday and the importance of the holiday to all Americans.

Bob Kopp, Pinole, reported on the success of the Pinole Car Show and advised the proceeds from the event would be dispersed between the Pinole Senior Center, PCTV, Pinole Swim Center, Pinole-Hercules Little League and aid to a local veteran in the Pinole-Hercules area, with Home Depot to match the amount of aid provided. The Pinole Car Show was again scheduled for June 25, 2023. He thanked the Chief of Police for having a Lieutenant work with organizers and he hoped that same person would be able to work with organizers in 2023. He also reported he had presented a plaque to the Head of Maintenance and had plaques for the City Council, Police and Fire Chiefs. He hoped the City Council would be able to fund the Car Show in future years and he thanked the City for its support along with the volunteers who worked hard to bring the event to Pinole.

Debbie Long, Pinole, reported she had learned the Mayor Pro Tem had been posting on his Facebook page during the June 21 City Council meeting. She questioned how attentive he was to others and questioned the use of his electronic devices. The Mayor Pro Tem also had a campaign sign prominently displayed during a recent City Council Zoom meeting. She understood the City Council had been informed their electronic devices could be used for public records requests and she found one of the problems with Zoom over the past two years was that it relaxed those types of rules since they were not monitored. She asked the City Attorney to review this matter with all City Council members and if necessary add this topic to the City Council's Ethics Policy. She otherwise congratulated Mr. Kopp on the success of the Car Show.

Mayor Salimi asked the City Attorney to follow-up on the items referenced.

Peter Murray, Pinole, referenced the June 21, 2022 City Council discussion on the 115 Trust, which Trust had been established to carry the City through the next 15-years with the undulations of the state's inability to control the California Public Employees' Retirement System (CalPERS) debts and to protect the City and its finances. There had been a great deal of effort to establish the Trust and to see it used for something else was disheartening. He also found the Fourth of July fireworks celebration to be well done.

Mayor Salimi reported the Finance Director would be providing a memorandum to the City Council on the 115 Trust and there would be a specific conversation on that topic soon.

Tony Vossbrink, Pinole, commended the success of the Car Show but suggested the fireworks display had been a disappointment since it had not come as advertised, there had been a traffic jam to reach the area, no clear information where the fireworks would be displayed had been provided to the public and many people had left the area given limited visibility once the fireworks show had started.

Mr. Vossbrink was disappointed the City had budgeted funds for the event when the fireworks were not clearly visible to all. He asked that the City Council conduct a full review of the costs of the event including overtime and what the City of Hercules had paid to share the event. He suggested the City not share the event in the future with Hercules and hold its own fireworks display. He also suggested the Pinole-Hercules Wastewater Treatment Plant should be used as a testing site for the COVID-19 and Monkey pox viruses.

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Salimi wished everyone a Happy Independence Day and congratulated Mr. Kopp for the successful Car Show. He asked the Acting City Manager to report out on the recent passing of Nick Norton.

Acting City Manager Neil Gang reported that Nick Norton, one of the original Pinole Police Department Posse Members, had recently passed away. He commended his passion for helping the community, stated he would be missed by all, and reported that a memorial service would be planned soon with details to be provided to the City Council when available.

The City Council held a *Moment of Silence for Nick Norton* at this time.

B. Mayoral & Council Appointments: None

C. City Council Committee Reports & Communications

Council member Martinez-Rubin reported she had attended a WestCAT special meeting and West Contra Costa Transportation Advisory Committee (WCCTAC) meeting, and briefed the Council on the discussions and actions taken. She encouraged everyone to remain safe and continue masking in public and closed spaces.

Mayor Pro Tem Murphy also encouraged everyone to stay healthy, safe and continue to mask. As a member of the Marin Clean Energy (MCE) Executive and Technical Committees he highlighted the Electric Vehicle (EV) Energy Partnership and sync application, with more information on the MCE website. The MCE Technical Committee would next meet on July 7, 2022 at 8:30 a.m., which meeting was open to the public. He thanked the City's Recreation Department for all of the community events and Police, Fire and City Department staff for coming together.

Council member Toms reported she had also attended the WestCAT special meeting and a subcommittee meeting for the Regional Wildfire Prevention Coordination Group, and briefed the Council on all discussions. She added the state had not yet published the new fire codes but once that happened the County Fire Chiefs Association would be preparing a Model Fire Code in the hopes each jurisdiction would adopt the same model code. It was expected after Labor Day that some elected officials would be invited to informational Zoom meetings to review those fire codes prior to presentation to the jurisdictions for adoption.

D. Council Requests for Future Agenda Items

Council member Toms asked that a report from the accounting firm that did the work on the 115 Trust identify how long the Trust was expected to last, be placed on a future agenda along with the memorandum staff planned to provide on the details of the 115 Trust. Consensus given.

Mayor Salimi requested a future agenda item for a proclamation for Bastille Day, which he hoped to present at an upcoming dinner. Consensus given.

Mayor Salimi requested a future agenda item to receive an update on Hero Pay and whether American Rescue Plan Act (ARPA) funds could be used since he had been unable to attend a Closed Session item on that topic.

City Attorney Eric Casher reported a Closed Session memorandum had been prepared in advance of that session and the Mayor could be provided a copy along with a privileged summary of what had been discussed. He added that if the Mayor wanted to have a discussion with other Council members that would have to be in a Closed Session.

Mayor Salimi stated his comments would be brief and could be considered as part of another Closed Session item and City Attorney Casher suggested if that was the direction of the City Council that would be fine. Consensus given.

D. City Manager Report / Department Staff

Acting City Manager Gang further reported on the success of the Car Show and expressed his appreciation to Mr. Kopp and all volunteers and staff involved in the planning and execution of the event. He also reported a debrief of the Fourth of July fireworks celebration would be conducted in the next week to identify any growth and development opportunities and would include consideration of feedback from the community.

Acting City Manager Gang expressed his appreciation for the opportunity to serve the City Council and the community as the Acting City Manager for a brief period of time, and with the City's support team would respond to questions.

Mayor Salimi welcomed Mr. Gang as the Acting City Manager.

F. City Attorney Report

City Attorney Casher reported there would be two Special City Council meetings; one on July 12, 2022 to discuss the Draft Charter City Measure and a Joint Meeting with the Planning Commission on July 13, 2022 to discuss the General Plan Update, Housing, Safety, and Environmental Justice Elements of the General Plan.

Mayor Salimi asked that the memorandum staff proposed to provide on the 115 Trust be provided to the City Council in a timely manner to allow the Council to have all information on the City's finances before a decision was made on the Draft Charter City.

PUBLIC COMMENTS OPENED

Deputy City Clerk Stone reported there were no public comments.

PUBLIC COMMENTS CLOSED

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY ANNOUNCEMENTS

- A.** Proclamations: None
- B.** Presentations / Recognitions: None

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 June 21, 2022 Regular Meeting.
- B.** Receive the June 17, 2022 – July 1, 2022 List of Warrants in the Amount of \$985,966.59 and the June 24, 2022 Payroll in the Amount of \$483,801.44
- C.** Resolution Continuing Authorized Remote Teleconference Meetings Pursuant to AB 361 **[Action: Adopt Resolution per Staff Recommendation (Casher)]**
- D.** Adopt a Resolution Approving a Revised Compensation and Benefits Plan for Management and Confidential Employees **[Action: Adopt Resolution per Staff Recommendation (Shell)]**
- E.** Adopt a Resolution Approving Side Letter Agreements to the Memorandums of Understanding (MOU) Between the City and AFSME Local 1 and Local 512 to Amend Article II – Recognition and Attachment A – Salary Schedule **[Action: Adopt Resolution per Staff Recommendation (Shell)]**
- F.** Ordinance Amending Chapter 12.04 “Street Excavations” of the City of Pinole Municipal Code and Adding Permitting Procedures, Insurance Requirements, Construction Standards and Pavement Restoration Guide for Encroachments into Public Right-of-Way **[Action: Adopt Resolution per Staff Recommendation (Casher)]**
- G.** Resolution Approving an Amendment to the On-Call Contract with 4Leaf, Inc. to Add a Task Order and Increase the Budget for Building Inspector and Building Official Services by \$108,855 **[Action: Adopt Resolution per Staff Recommendation (Whalen)]**

PUBLIC COMMENTS OPENED

Deputy City Clerk Stone reported there were no public comments.

PUBLIC COMMENTS CLOSED

ACTION: Motion by Council members Toms/Martinez-Rubin to approve Consent Calendar Items 9A through 9G, as shown.

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

Mayor Salimi declared a recess at 7:40 p.m. The City Council meeting reconvened at 7:45 p.m. with all Council members present in-person or via Zoom.

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 Public Hearing and Adopt a Resolution Confirming the Assessments and Ordering the Levy for the Pinole Valley Road Landscape and Lighting Assessment District for Fiscal Year 2022/2023 **[Action: Conduct Public Hearing and Adopt Resolution per Staff Recommendation (Mishra)]**

Public Works Director Sanjay Mishra provided a PowerPoint presentation of the Pinole Valley Road Landscape and Lighting Assessment District for FY 2022/23, which had previously been presented to the City Council on June 21, 2022, with the Engineer's Report and assessments. He asked the City Council to conduct a public hearing concerning the levy and collection of assessments within the Pinole Valley Road Landscape and Lighting Assessment District; consider any and all objections to the assessments; and adopt a resolution confirming the assessment and diagram as described in the Annual Assessment Report, levying an assessment for the fiscal year commencing July 1, 2022 and ending June 30, 2023; and ordering the City Engineer to prepare and submit the assessments to the Contra Costa County Assessor's office for placement onto the Fiscal Year 2022/2023 secured property tax roll.

PUBLIC HEARING OPENED

Maria Alegria, Pinole, asked the feasibility of incorporating EV charging stations in the Pinole Valley Road Landscape and Lighting Assessment District, which would benefit the District.

Public Works Director Mishra explained that the Pinole Valley Road Landscape and Lighting Assessment District was not really set up for EV charging stations and the City would have to go back to the property owner to figure that out, although the City was considering the installation of EV charging stations at various locations throughout Pinole via grant opportunities.

Rafael Menis, Pinole, understood the allowable increase in the levy was either two percent or the April Consumer Price Index (CPI) if the April CPI was greater; however, for Zones A and B and in Fiscal Year 2021/2022, the CPI was 3.8 percent but the increase that had been implemented was only two percent for both zones. He asked for clarification from staff.

Public Works Director Mishra was uncertain why the increase for 2021/2022 had only been two percent since he had not been employed with the City at that time. The current CPI for April 2022 was at five percent, which had been applied to this year's increase.

Peter Murray, Pinole, referenced the median between DaVita Dialysis and the bowling alley and commented that when the DaVita Dialysis clinic had been built and when the infrastructure had been installed for the electrical, the work had gone through the median which had been destroyed. The developer should have been held financially responsible for its repair. Also, DaVita Dialysis was to have planted a number of trees along the creek on Sprouts property, which had also not been done. He suggested the developer should be held accountable, otherwise the funds from the Pinole Valley Road Landscape and Lighting Assessment District would be used. He asked staff to look into that situation.

Mayor Salimi asked the Acting City Manager and Public Works Director to follow up on the situation about the median and the planting of trees with a status report provided to the City Council within the next six weeks.

Acting City Manager Gang confirmed staff would report back with additional information.

Tony Vossbrink, Pinole, asked the City Council to take a serious look at the Pinole Valley Road entrance to the City and do a better job with the landscaping in the median strips on both sides of the I-80 overpass, which plant material was in need of maintenance or replacement. As to the light poles up and down Pinole Valley Road, there had been an agreement between a previous City Council, the Public Works Department and Pinole Valley High School related to the build out of the high school and the reevaluation of the number of traffic light signals along Pinole Valley Road. He suggested there were too many stop lights along that route, queuing needed to be reevaluated and the number of stop lights increased carbon emissions impacts. He also questioned the fact the current Public Works Director was considering less expensive options to replace some of the lights poles that had been knocked down and expressed concern with the potential for a mish-mash of cheap solutions.

Mayor Salimi asked staff to contact Caltrans to clean up the right-of-way. He understood there had been a prior presentation to the City Council related to the reason for the number of traffic signals, which was public information and which could be made available to the public. Also there were a number of studies prepared that justified the number of traffic signals that could also be made available to the public for informational purposes.

PUBLIC HEARING CLOSED

In response to Council member Tave, Public Works Director Mishra clarified the CPI, as dictated by the U.S. Department of Labor Bureau of Labor Statistics, had been detailed in the staff report, was updated each month and the City followed the CPI when imposing the levy for the Pinole Valley Road Landscape and Lighting Assessment District.

Council member Martinez-Rubin thanked the Public Works Director for his comprehensive responses. She understood there was a cap on the levy and businesses were aware over time there could be an increase in the levy for the Pinole Valley Road Landscape and Lighting Assessment District.

Mayor Pro Tem Murphy thanked the Public Works Director for his informative presentation.

Mayor Salimi also thanked the Public Works Director for his presentation.

ACTION: Motion by Council member Toms/Mayor Pro Tem Murphy to adopt a resolution confirming the assessment and diagram as described in the Annual Assessment Report, levying an assessment for the fiscal year commencing July 1, 2022 and ending June 30, 2023, and ordering the City Engineer to prepare and submit the assessments to the Contra Costa County Assessor's office for placement onto the Fiscal Year 2022/2023 secured property tax roll.

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

11. OLD BUSINESS

A. Update on Proposed CONFIRE Service Contract with Station 74 Reopening [Action: Receive Report (Wynkoop)]

Fire Chief Chris Wynkoop provided a PowerPoint presentation on "Update on Proposed CONFIRE Service Contract with Station 74 Reopening," which included an overview of the background and passage of Measure X and the County Fire Chiefs collective proposal to utilize Measure X funds to enhance fire service countywide, reopen shuttered fire stations throughout the County under the Superintendence of the Contra Costa County Fire Protection District (ConFire), and where the County Board of Supervisors (BOS) had approved \$2 million of Measure X funds toward the reopening of Pinole's Fire Station 74 as part of that effort.

Fire Chief Wynkoop highlighted the options for service which had been evaluated including annexation into ConFire and contract for service, and clarified that the City of Pinole's property tax that would go to ConFire in annexation would not sustain the cost of fire service for one station much less two, and given Pinole's annual property tax revenue was less than the current Fire Department budget the City of Pinole was not a candidate for annexation. He clarified that a contract for service whereby the City of Pinole would contribute an amount similar to its allocated fire budget combined with the \$2 million Measure X allocation would enable both Station 73 and Station 74 to be fully staffed and operational under ConFire's superintendence. With the City Council's approval, the City had initiated discussions with ConFire regarding a contract for service.

Fire Chief Wynkoop identified the contract negotiation team which included numerous members of City staff, County ConFire Fire Chief and Senior Deputy County Administrator.

Pursuant to the Local Agency Formation Commission (LAFCO) requirements, Fire Chief Wynkoop explained that an independent municipal financial analyst, The Stone Municipal Group, had been retained to oversee the financial team meetings and provide a fiscal analysis of the proposed contract. He reported the contract negotiation team had met to discuss the deal points of a proposed contract as well as the financial team comprised of the City's Finance Director, County Financial Director, Senior Deputy County Administrator, Fire Chiefs of the respective agencies and The Stone Municipal Group.

Fire Chief Wynkoop reported that the information requested by the financial analysts included five-year revenues and expenditures and budget to actuals, capital improvements – vehicle and apparatus replacements, employee pay steps and leave accruals, information on pension liability, and a service plan. He also provided a spreadsheet to highlight the level of detail being considered for the proposed contract and reported that the same information had been provided at a recent Pinole for Fair Government meeting. He emphasized the right people were asking and answering the right questions to the level of detail needed to come to an informed evaluation, and to ensure if the City Council agreed to move forward with this plan it would have every confidence they were moving the City to the best fire arrangement that could be attained.

Fire Chief Wynkoop further reported they were on track to meet the original estimated timelines. Once the tentative contract terms had been agreed upon, the independent fiscal analysis, service plan, and letter of agreement from the labor group and resolution of Council support, would be required to be submitted with the contract to LAFCO for approval. The anticipated timeline for completion of the contract and LAFCO submission was fall 2022 with an estimated implementation to include the reopening of Station 74 in late winter/early spring of 2023.

PUBLIC COMMENTS OPENED

Debbie Long, Pinole, asked whether all costs associated with both fire stations would cover the City's current budget and the \$2 million in Measure X funds. She suggested it was unfair for the public not to see the costs and the deal points of the contract in order to provide feedback. The spreadsheet the Fire Chief had provided as part of the PowerPoint presentation on Zoom was not clearly visible nor had it been included in the staff report, making it difficult for the public to read the information and provide comment. She understood The Stone Municipal Group had shared a document with the City's Finance Director and at this time made a Public Records Act request to obtain a copy of that document or at the very least the spreadsheet provided by the Finance Director, to also be provided to the public. She also wanted to see the county provide a Cost of Living Adjustment (COLA) to the \$2 million in Measure X funds each year, which should be part of any contract. In addition, she sought more information on the impacts to all parties in the event the City was unable to afford to continue the contract and requested all information be provided to allow public feedback before the City Council received a final document for action.

Fire Chief Wynkoop clarified the monies and costs being retained by the City versus the costs transferred over to ConFire were being negotiated as part of the contract group discussions, and the questions raised by Ms. Long were the types of questions the contract group had discussed and would be itemized and answered as part of the draft contract. As to whether or not the public would have an opportunity to provide feedback on the contract he would defer to the City Manager and City Attorney.

City Attorney Casher explained that the contract would be brought forward for public review prior to a final decision by the City Council.

City Clerk Bell acknowledged the Public Records Act request made by Ms. Long and stated she would follow-up on that request.

Fire Chief Wynkoop also reported The Stone Municipal Group would prepare a Final Financial Report and was still working on that document.

Mayor Salimi asked that the spreadsheet as part of the PowerPoint presentation be included in the meeting minutes for public review.

Fire Chief Wynkoop further clarified in response to the Mayor that the cost of the contract would go up year after year as would any budget. Also, Measure X would have a year-after-year cost escalator that had not yet been determined, which was one of the issues the contract group was working on to get answers prior to a finalized document. In addition, he confirmed there would be an opt-out option built into the contract.

City Attorney Casher advised that all contracts had a term, they were exploring what would happen at the end of the contract, how to transition back to the status quo, and what needed to be built into the contract to account for that with all details still being negotiated.

Tony Vossbrink, Pinole, asked of the actual hard date opening for Fire Station 74 at full staffing levels given a prior presentation from Supervisor John Gioia and the County Fire Chiefs who had informed the public it would be either in June or July 2022 or 2023, and he assumed that depended on the recruitment numbers. If the reopening of the fire station was delayed due to staffing or other issues it could cost the City money.

Fire Chief Wynkoop reiterated the timeframe included the contract signature in fall 2022 and reopening Fire Station 74 in late winter or early spring 2023. He could not comment on anyone else's comments as part of any other presentation. He explained that ConFire had an academy that would complete its training around October or sometime after the first of the year, with staffing playing into the timeline. Part of the issue was there would be five fire stations opening throughout Contra Costa County and Pinole wanted assurance there would be sufficient recruits to provide appropriate staffing. The implementation of the timeline for reopening Fire Station 74 would also be identified in the contract and there would be a more precise date for the timeline identified in spring 2023. If the reopening of Fire Station 74 was delayed that would be something for the legal teams to discuss.

City Attorney Casher stated he could not provide an answer on what would happen if the reopening of Fire Station 74 was delayed at this time but would look into it and provide a response to the City Council.

Cordell Hindler, Richmond, suggested before the City Council approved any contract the spreadsheet that had been presented as part of the PowerPoint presentation should be provided to the public to allow feedback. He too questioned potential impacts to Pinole if the reopening of Fire Station 74 was delayed.

Peter Murray, Pinole, agreed with the comments about opening the contract up to the public, most of whom may not be aware of the details. He too wanted more information on an exit strategy and suggested it should consist of the cost of personnel and equipment in any case and at any point in time. He pointed out a study conducted three years ago, which had been shelved and which had not been accepted by the involved parties, had addressed disinformation. He suggested all information should be vetted with the public. While the reopening of Fire Station 74 would help Pinole, everyone should play a part in the cost and Pinole citizens should not be left to pay the bill if something were to go array.

Fire Chief Wynkoop reiterated an exit strategy would be part of the contract. The August 16, 2022 City Council meeting had been targeted for the County Fire Chiefs to be present and the City Council to have an opportunity to review the draft contract.

Vincent Wells, President Local 1230, representing Pinole Firefighters and others within the County, reported that Pinole Firefighters supported the plan but realized the details needed to be worked out. As had been explained in the presentation, he understood the right people were having those conversations. He was pleased with the opportunity to expand services to the community above and beyond adding an additional fire station but including other services that could be provided by ConFire. The proposal would also allow access to Measure X funds which would allow for the reopening of Fire Station 74 in the Pinole Valley. He detailed the background of Measure X and the BOS decisions related to the allocation of Measure X funds and the efforts of the Measure X Advisory Board. He added that labor must also approve the contract.

Mayor Salimi thanked Mr. Wells for all of his great work for the Pinole community.

Irma Ruport, Pinole, thanked the Fire Chief and Pinole firefighters for their hard work. She asked that Supervisor Gioia's video presentation on Measure X funds and the reopening of Fire Station 74 be posted on PCTV, the presentation from the Fire Chief also be posted to inform the public on this topic, and that a sign be placed in front of Fire Station 74 to advise that the station would be reopened. She added that the proposed service contract should include information on bringing fire stations back rather than closing them in the future.

Acting City Manager Gang reported that when City Manager Murray returned they could have a conversation with the Fire Chief about possible signage in front of Fire Station 74.

City Attorney Casher stated that staff would look into whether Supervisor Gioia's video presentation could be posted on PCTV.

Maria Alegria, Pinole, thanked the citizens of Pinole and Contra Costa County for their support of Measure X. As an elected delegate representing the Democratic Party Supervisorial District 1, and as the former Chair of the Democratic Party, she thanked Council member Tave for his leadership in asking the Democratic Party to support Measure X and the Contra Costa County Fire Chiefs proposal to reopen Fire Station 74, noting that five fire stations would be opened in Contra Costa County. As a resident of the valley whose property abutted hills and open space, she wanted to see Fire Station 74 be opened sooner rather than later, particularly since the Governor was pushing for aggressive water conservation due to the drought. She had done her due diligence to maintain defensible space as part of the Wildland Urban Interface (WUI), and encouraged the Pinole City Council to continue its efforts to negotiate with ConFire to allow the reopening of Fire Station 74.

Rafael Menis, Pinole, also thanked the voters of Contra Costa County for supporting Measure X and for making it possible to reopen Fire Station 74. As to the PowerPoint presentation, until such time as the City was able to upgrade its broadcast equipment in the Council Chambers, he suggested staff review any information to be presented to the public to ensure it was clearly visible but he understood the presentation would be uploaded on the City website. He also wanted more detail on the questions raised by the public. In terms of the timelines and questions about whether or not there would be public input on the details of the contract, he understood additional meetings would be held to offer an opportunity for meaningful input.

PUBLIC COMMENTS CLOSED

In response to Council member Martinez-Rubin, Fire Chief Wynkoop explained that an integrated agreement with ConFire would be considered. Under the agreement, the fire service would be provided under the auspices of ConFire. Fire Station 74 would be staffed by ConFire employees and Pinole Fire Department employees would become ConFire employees. The service plan would be included in the contract for City Council review and would essentially result in doubling every resource in Pinole, all of which would be detailed in the service plan.

Mayor Pro Tem Murphy clarified with Fire Chief Wynkoop the role of LAFCO in that the service contract was required to be approved by LAFCO since the agency had new requirements for the approval of contracts. It was anticipated the LAFCO process could take anywhere from 30 to 60-days, which was driving many of the timelines. Public participation at LAFCO meetings would have to be verified.

City Attorney Casher explained that when LAFCO considered Pinole's service contract, the meeting would be open to the public. He added that LAFCO was responsible for reorganization of governments, which was why the service contract must go before LAFCO for approval pursuant to Government Code.

Mayor Pro Tem Murphy recommended a Gann Chart or list of terms be provided on the Fire Department page of the City's website to educate the public and suggested the use of key domains would be helpful for public communication and engagement. He also suggested tenant and service groups should be included and engaged in updates on the timelines whether at LAFCO or City Council meetings. He valued small room conversations to allow people to understand the topic and suggested spending time with the Fire Chief should be part of any community engagement. He also thanked County residents for their support of Measure X and understood the questions surrounding the assumption the \$2 million in Measure X funds combined with the City's budget and the escalator on Measure X funds, when declared, would be sufficient to accomplish the goal.

Mayor Pro Tem Murphy suggested as a contingency plan and as the City was growing and scaling its fire safety program, there also be consideration of opportunities with the National Volunteer Council or the U.S. Fire Service. He expressed concern with the challenges of competing priorities in terms of Measure X funds in the future and he would hate to see that future funding be threatened by other priorities. He urged the City Manager and Fire Chief to create opportunities for program assistance and grant opportunities.

Fire Chief Wynkoop clarified in response to the Mayor Pro Tem that he had done a recent walking tour of Fire Station 74.

Fire Chief Wynkoop clarified that the building had not been occupied by full fire staff for some time, some upgrades were needed in terms of paint, carpets and some appliances but all in all it was a fairly new building with no structural issues that had to be addressed. He added the current budget included \$50,000 to allow fire crews to operate efficiently and effectively out of the building. He was uncertain whether Fire Station 74 had been included as part of the City's Energy Audit and would check with the Public Works Department.

Council member Tave thanked the citizens and the County for supporting Measure X and Fire Chief Wynkoop for his leadership. He also thanked the community for its feedback and highlighted all of the work to reach this point. He encouraged everyone to let the professionals work on the contract and once the City Council had received the draft it could dive into the details. He was anxious to see the numbers and have that discussion at a later date. He agreed the public should have a better understanding of the timelines with all information to be made available to the public for discussion. He suggested this extra step would add synergy to the region and he looked forward to moving forward.

Council member Toms thanked staff and Fire Chief Wynkoop for all the hard work and for bringing forward the update to the service contract. She clarified with the Fire Chief that the City of Pinole Fire Department was the primary responding agency for Tara Hills and Bayview - Montalvin Manor and asked that the contract group be informed that those communities were being taxed by ConFire but were being served by Pinole, and The Stone Municipal Group should quantify that tax so the City of Pinole received credit in its financial report.

Council member Toms also spoke to the contract terms and budget and wanted more information as to how far in advance the budget numbers would be known as to whether the escalation amount to be borne by the City would be the same amount provided by Measure X. This information would be important in a worst-case scenario if the City were to opt-out since it would cost the City to rebuild.

Council member Toms also expressed interest in the \$15 million tax revenue brought in by the East Contra Costa Fire Protection District and what population that represented. In the interim period, she suggested that the option for annexation should be on the table, which discussion may help inform the City Council. She otherwise reported that LAFCO met on the second Wednesday of each month and she planned to review the reports for the annexation of East County to educate herself. She encouraged the members of the City Council and the public to do the same to inform the future discussion of the City Council in August. In addition, she reported the ConFire Board of Directors met monthly with its next meetings scheduled for July 12, 2022 and August 9, 2022.

The City Council discussed Council member Toms' requests and while there were concerns with disrupting the work that had been ongoing given the BOS decision to allocate Measure X funds for Pinole, the City Council recognized the questions were reasonable questions to ask. There was confidence the Fire Chief, City Manager and the contract group would come up with a reasonable draft contract after negotiations.

Mayor Salimi looked forward to the future discussion of the service contract and the reopening of Fire Station 74 in early winter/spring 2023.

12. **NEW BUSINESS:** None

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

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

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

Irma Ruport, Pinole, asked why the Faria House had been included on the funded list for the CIP for this fiscal year in the amount of \$420,000 and considered as a priority item. She understood including an unfunded item in the CIP required a funded item to be removed from the CIP list. She asked what project had been removed, why and by whom. While this same request had been made during the June 21 City Council meeting and via an email, to date there had been no response. She asked for a response in the public record at the next City Council meeting.

14. **ADJOURNMENT** to the Special City Council Meeting of July 12, 2022 in Remembrance of Amber Swartz and Nick Norton.

At 10:06 p.m., Mayor Salimi adjourned the meeting to the Special City Council Meeting of July 12, 2022 in Remembrance of Amber Swartz and Nick Norton.

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council:

