

**CITY COUNCIL MEETING  
MINUTES  
September 13, 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 Special Meeting of the City Council to order at 6:14 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  
Chris Wynkoop, Fire Chief

City Clerk Heather Bell announced the agenda had been posted and distributed on Friday, September 9, 2022 at 1:45 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. 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.*

Cameron Sasai, Pinole, a candidate for the Pinole City Council and a proud life-long resident, expressed his support for the reopening of Fire Station 74, which was the most important issue for those residing in the Pinole Valley. Having read the potential contract for fire protection services with the Contra Costa County Fire Protection District (CCCFPD), he suggested it was a sound contract.

Mayor Salimi advised that Citizens to be Heard was for public comment for items not on the meeting agenda. Comments on the fire contract with the CCCFPD would be discussed as part of Item 5A and he asked Mr. Sasai to hold his comments until that time.

Cordell Hindler, Richmond, appreciated the work of the City Clerk with agendas and packets distributed in a timely manner. He suggested the City should consider an equity, diversion and inclusion consultant as part of the budget and asked that it be considered as a future agenda item. He also requested that a representative from the West Contra Costa Unified School District (WCCUSD) be invited to provide an update on the possibility of providing School Resource Officers (SROs). He added when the City Council had discussed economic development opportunities during a prior meeting he was not confident the City could attract new businesses to Pinole given the speed of traffic near Fernandez Park with no traffic study having been conducted.

#### **5. WORKSHOP ITEM**

- A. Potential Contract for Fire Protection Services with Contra Costa County Fire Protection District (CCCFPD), Including the Reopening of Pinole Fire Station 74 [Action: Receive Report and Provide Direction (Wynkoop)]**

Fire Chief Chris Wynkoop introduced Contra Costa County Supervisor John Gioia present via Zoom, CCCFPD Fire Chief Lewis Broschard present in-person and Adam Stone, Stone Municipal Group, who had prepared the fiscal analysis and was present via Zoom. He thanked everyone who helped to reach this point including the Contra Costa County negotiating team, City Department Heads and those who worked to make Measure X fire services a reality, which included the Contra Costa County Board of Supervisors, (BOS), International Association of Firefighters (IAFF) Local 1230, Contra Costa County Executive Fire Chiefs, Measure X Advisory Board and the voting public.

Fire Chief Wynkoop recommended the City Council receive the information on a draft potential contract for fire protection services with the CCCFPD (Con Fire) including the reopening of Pinole Fire Station 74, receive public input and provide direction to the City staff on changes to the contract provisions, if any.

Fire Chief Wynkoop provided an extensive PowerPoint presentation which included an overview of the history and background of how the City had reached this point, the effort to reopen Fire Station 74 and the passage of Measure X in 2020 to provide expanded fire protection, health and other services in Contra Costa County, which had led to a request from the Contra Costa County Executive Fire Chiefs for the Measure X Advisory Board to provide funding to reopen five closed fire stations countywide including Pinole's Fire Station 74. Funding had been approved by the BOS in November 2021 for \$2 million per year toward reopening Fire Station 74 through an integrative agreement with Con Fire.

Fire Chief Wynkoop highlighted the background and responsibilities of Con Fire and the benefits Con Fire would provide the City of Pinole including the reopening of Fire Station 74, with faster response times as illustrated in the Predictive Modeling Report (medical calls and structure fires), more operational resources available in Pinole, two rather than one company in Pinole, Con Fire's specialized resources would be more immediately available and Pinole would have higher deployment priority of resources. There would also be better trained firefighters, one training division under a consistent well-staffed and properly supported system and the Con Fire Academy was a State Accredited Local Academy (ALA) with modern training facilities, operational policies and procedures.

In addition, Con Fire would provide increased efficiencies such as Information Technology (IT), procurement of apparatus at considerable lower cost than the City of Pinole would be able to procure, administration and oversight, fire cause investigation, standardization, Con Fire's Fire Prevention Bureau, increased medical aid for underserved citizens and in addition to improving service to the City of Pinole reopening Fire Station 74 would also benefit residents of the unincorporated areas of Tara Hills, Montalvin Manor and Bay View.

Con Fire also had a modern report management system that would enable the City and Con Fire to determine how many calls for service for Fire Stations 73 and 74 responded to calls outside of Pinole and how many calls for service within Pinole were responded to by non-Pinole stations.

Fire Chief Wynkoop highlighted the main provisions of the Draft Potential Contract with Con Fire including:

- An initial five-year term which could be extended for one five-year period by mutual written agreement of the parties executed by the Fire Chief for Con Fire and the City Manager for the City of Pinole. The agreement would be able to be unilaterally terminated by either party at any time by giving 12-months written notice of termination to the other party.
- Con Fire would be the provider for all fire, rescue and emergency medical response, fire prevention and fire administration to the City of Pinole with Con Fire to continue to staff Fire Station 73 and reopen and staff Fire Station 74.
- All employees of the Pinole Fire Department at the Battalion Chief, Fire Captain, Fire Engineer and Firefighter ranks would become employees of Con Fire and the Pinole Fire Chief position would be eliminated.

- The City would retain ownership of Fire Stations 73 and 74 with Con Fire leasing them for a nominal amount. The City would be responsible for utilities, general maintenance and repair costs of the facilities and would be responsible for replacing the facilities when they reached the end of their useful lives. Con Fire would be responsible for routine maintenance and cleaning. The Con Fire Facilities Manager would work with City staff regarding necessary repairs, ongoing maintenance and other facility-related issues. Significant upgrades were not anticipated for either facility.
- Con Fire would provide one regular fire engine (Type 1) and one Wildland Engine (Type 3 or Type 6) at each fire station and would also provide an appropriate vehicle for the Battalion Chief and reserve engines as necessary. The City of Pinole would transfer ownership of its current vehicles to Con Fire and Con Fire would be responsible for all maintenance, repair, and scheduled replacement of the apparatus in a manner consistent with Con Fire standards.
- Con Fire personnel would review plans for Fire Code Compliance and conduct necessary inspection of development in accordance with the City's adopted code and current practices and a Con Fire representative would attend meetings regarding proposed development and provide comments on proposals when requested. The City and Con Fire were still discussing the specific process for application submittal and routing to make the process as streamlined as possible for applicants.
- The proposed contract acknowledged that termination of the agreement would require extensive operational adjustments for both parties in the event the agreement was terminated and the parties would agree to meet and develop a transition plan to prevent any disruption of service to Pinole. The City and Con Fire were still discussing the specific process and requirement for developing the transition plan.
- The Con Fire Fire Chief would annually submit a proposed cost proposal to the Pinole City Manager for review. If the cost proposal was more than five-percent greater than the previous year, excluding labor cost, the City Manager and Fire Chief would meet to discuss options for achieving cost savings. Once the Fire Chief and City Manager had agreed on a cost proposal, the City Manager would include that cost as part of the proposed annual City budget. Con Fire would bill the City 1/12th of the annual cost proposal monthly. In the event the actual cost of Con Fire providing service exceeded the cost proposal, the City Manager and Fire Chief would consider possible modification to the cost proposal. Any increase in cost would require City Council approval; however, if a necessary budget modification was not approved, it was possible services may be reduced to ensure costs did not exceed the budget. The City would be billed based on the cost proposal not on actual expenses.

Contra Costa County Supervisor John Gioia expressed his appreciation to the City Manager, City Manager's Office, Fire Chief and City staff for their partnership with the County and Con Fire. He suggested this was an opportunity for Pinole to be part of a larger fire district which had become a trend in the state in order to realize savings and provide better services. He explained that when the allocations for Measure X had been made the intent was that the allocations would be long-term investments.

Supervisor Gioia reported the BOS acting as the Fire Board had held a meeting this date on September 13, and had unanimously directed the County Administrator and Fire Chief to come back at the next BOS meeting to clarify and make a commitment that the \$2 million investment intended for the City of Pinole and Measure X investments in East and Central County Fire Stations would be long-term and at least five years. He emphasized the County had the same interest as the City of Pinole to control costs. The County had the highest Triple AAA bond credit rating possible in local government which spoke to the County's fiscal prudence and discipline. The County was committed to keeping costs under control and reasonable for all.

Supervisor Gioia emphasized the contract before the City Council would result in faster response times in fire and emergency medical calls, better training opportunities, access to more resources and fire prevention services. He related his own personal experience losing a family member who suffered since they had not received timely medical aid and noted if one was revived in a timely manner after cardiac arrest that person would typically live. He emphasized with the \$2 million investment in the City of Pinole and due to the economies of scale provided by Con Fire, the City of Pinole could afford this contract, which was sustainable. Again, the contract would provide better service and health and fire outcomes for residents of Pinole in a way that was financially prudent for the City. In addition, reopening Fire Station 74 would benefit not only Pinole but the wider West County area due to the threat of potential wildfire. He looked forward to finalizing the provisions of the contract.

Fire Chief Wynkoop further explained that state law required an independent fiscal analysis be submitted to the County's Local Agency Formation Commission (LAFCO) as part of the application process when one public agency was proposing to provide fire protection services in another public agency's jurisdiction. The City had engaged Stone Municipal Group to prepare the independent fiscal analysis which forecast the likely cost of maintaining the status quo service model (Fire Station 73) and the likely cost of the alternative (Con Fire operates Fire Stations 73 and 74) and the difference in cost between the two options. Cost Comparisons Year-by-Year from Year 1 (2023/24) to Year 7 (2029/30) and Year 1 and Year 7 averages were highlighted.

The fiscal analysis reflected the City had the fiscal ability to enter into and sustain an agreement with Con Fire to provide fire and emergency response services if Con Fire or the County committed to providing \$2 million annually of Measure X or other funding to subsidize Con Fire's service.

Fire Chief Wynkoop explained as part of the next steps and in order to establish a contract to provide fire protection services in Pinole, Con Fire and the City would need to gain the support of the Pinole City Council and the Con Fire Board to submit a contract for services application to LAFCO, submit the LAFCO application and accompanying independent fiscal analysis, plan for services and agreements from labor groups representing affected employees, gain LAFCO approval to implement the service model and execute the contract for services. Assuming the BOS expressed its intent to appropriate \$2 million or more annually from Measure X or other County funds to Con Fire to subsidize the cost of Con Fire providing services in Pinole throughout the contract term, and based on the direction provided to City staff by the City Council, staff expected to work with Con Fire to achieve a final contract that was consistent with the Council direction and the City's needs.

Fire Chief Wynkoop stated a Special City Council meeting had tentatively been scheduled for September 27, 2022 for the City Council to consider authorizing Con Fire to submit an application to LAFCO and authorizing City staff to execute the contract for services. If the City and Con Fire staff were unable to reach an agreement on a contract that met both parties' needs in time for that meeting date the City may decide to defer the meeting.

CCCFPD Fire Chief Lewis Broschard introduced himself to the City Council and expressed his hope that the City Council would seriously consider advancing the contract forward for the benefit of Con Fire and the City of Pinole.

Adam Stone, Stone Municipal Group, introduced himself to the City Council and stated he had no additional comments but welcomed any questions on the methodology used for the fiscal analysis prepared for the City of Pinole.

#### **PUBLIC COMMENTS OPENED**

Debbie Long, Pinole, stated she was not opposed to reopening Fire Station 74 but supported sustainability and had been a member of the City Council when the fire station had been closed due to a lack of funding source and as a result of the recession. At that time, the City had no other ability to find a funding source during the recession, and in order to keep the City out of bankruptcy Fire Station 74 had been closed.

Ms. Long referenced the fiscal analysis and commented that the East Bay Regional Communications System Authority (EBRCSA) had not been covered in the inclusive number and was an additional number to be submitted to the County, with the City of Pinole to pay for that system, although Fire Chief Wynkoop informed her that had been included in the cost of the contract.

Ms. Long asked whether dispatch costs had been included in the contract, to which Fire Chief Wynkoop stated some sensitivity analyses had been done on the City side to show differences when adding percentages, and while not large differences assumptions had not been made for the County side.

City Manager Andrew Murray clarified the dispatch costs had been treated as operations and maintenance (O&M) costs not personnel costs and had been assumed to grow at the same rate with a 4 percent per year assumption considered to be the most likely scenario. As long as there was a long-term commitment from the County and Con Fire to include the \$2 million subsidy per year it would be sustainable for the five-year term of the contract.

Fire Chief Wynkoop clarified that dispatch would be inclusive in the contract.

Ms. Long asked about workers' compensation claims and her understanding the City would be liable now and in the future. She offered examples of various types of workers' compensation claims, asked if those various types had been analyzed, and sought a clarification of the City's responsibilities in those cases.

City Manager Murray explained that any workers' compensation or employee injury that occurred when employed by the City would be the City's responsibility.

Under the proposed contract, firefighters would transition to employees of Con Fire and if the injury occurred while employed with Con Fire, Con Fire would bear the responsibility. In the case where people had been employed by multiple agencies, there was a reconciliation process where the cost would be shared by the responsible agencies.

As to whether an analysis had been done on any current workers' compensation claims, City Manager Murray stated the City would not have to pay for any injury not claimed now different from a vacation accrual. He further clarified that once an employee had become a Con Fire employee and Con Fire was responsible for staffing the station, Con Fire may have to staff using overtime which was not an unexpected cost.

Ms. Long suggested her questions were not being understood and answered and she would speak with CCCFPD Fire Chief Broschard off-line. She referenced the administration credits from the Fire Department within the organization, which was part of various City Departments, attributed to the budget for the Fire Department and asked whether or not those costs had been analyzed or factored into the numbers.

City Manager Murray clarified the allocation of overhead administrative staff had been done on a fund basis. The Fire Department was paid by the General Fund with no savings or additional costs. He also clarified, when asked, that the City's budget included funding for services such as general services for various City Departments. Also, there would be no IT costs related to the Fire Department once transition to Con Fire had occurred.

Ms. Long referenced debt service the City had taken out to pay for bond liability and understood there remained time to go with part of the debt service including the Fire Department. She asked whether that had been analyzed, and City Manager Murray explained that was paid out of the General Government Department not allocated on a department basis, and the City would continue to pay for that debt service from a fund identified for that purpose.

In terms of licensing and permitting, City Manager Murray explained currently the City had a Fire Inspector and a contract service to review building plans for fire code compliance, with the fees collected by the City and passed on to the firms providing the service. As part of the contract, Con Fire would provide those services and be the recipient of those permitting fees but the City intended to request an overhead administrative charge, which was still under negotiation.

Ms. Long commented the contract included a provision that if a development required a greater need for fire services that would be passed on directly to the City. As an example, if a ladder truck was needed to provide fire services to a high-rise in the City, the City currently borrowed such apparatus when necessary from the Rodeo-Hercules Fire Department. When the City transitioned to Con Fire, there could be a scenario where there may be more than one high-rise where a ladder truck was needed and that cost would be borne by the City, which should be analyzed when a developer paid its development fees and was considered by Con Fire.

Ms. Long also understood that when new firefighters were hired they were also required to be paramedics. She asked whether the County had the same standard.

Fire Chief Wynkoop clarified that new firefighters were not required to be paramedics although that had been the trend for the last several hires. Currently, the Pinole Fire Department had twelve paramedics.

CCCFPD Fire Chief Broschard clarified that all CCCFPD apparatus was staffed with a paramedic.

Ms. Long hoped the Con Fire standard would rise to the level that Pinole had enjoyed and Fire Chief Wynkoop reiterated that the paramedic staffing was not a standard but they worked to ensure that when a paramedic was out, there were other paramedics in the “bullpen” with the standard one paramedic per apparatus per crew, but Pinole had a higher percentage in order to backfill.

Ms. Long further commented that a prior report prepared by Emergency Services Consulting International (ESCI) had anticipated two stations would cost over \$9 million. She asked where the numbers differed and why there was such a large difference. She also suggested the \$2 million in Measure X funds should include an escalation factor with all City costs to escalate, and if the sales tax increased the County would receive that automatically and she wanted the City to cover any additional costs.

Fire Chief Wynkoop responded to the differences in numbers for the two stations and commented that the prior report referenced, which had been prepared by ESCI, had not been an in-depth report that included a fiscal analysis to the same degree as the report prepared by the Stone Municipal Group.

Bob Kopp, Pinole, understood Fire Station 73 was costing the City \$5 million but Fire Station 74 would only involve \$2 million. He asked whether the City was paying too much for Fire Station 73 and not enough for Fire Station 74. He otherwise expressed concern with the contract that would result in Con Fire having control over everything Pinole taxpayers had paid for. As an example, when the County Sheriff’s Office took over the Town of Danville and when that contract was renewed, the Town of Danville had no option but to renew the contract at great expense and he did not want to see that happen to Pinole.

Fire Chief Wynkoop clarified the current budget for FY 2022/23 and noted the difference in the costs for the two stations had included the fact that the second station would not duplicate administrative costs and would include only ramped up personnel and apparatus expenses. In addition, due to the economies of scale provided by Con Fire, the cost of operating each additional satellite station would be reduced. Equipment would be transferred to Con Fire and built into the contract, there would be an annual vehicle replacement fund, and Con Fire would move forward after the initial transfer and be responsible for maintenance and eventual replacement of all apparatus.

Fire Chief Wynkoop added when asked by the Mayor and as an example scenario that if the City were to exit the contract with Con Fire it would depend upon when the exit occurred, such as if in the first couple of years where the apparatus would be returned to the City, but if that exit occurred further down the road, it would likely involve a lease back situation of the apparatus with Con Fire. He emphasized those terms were still under negotiation and clarified there would never be a scenario where there would be a gap in service.

Rafael Menis, Pinole, referenced Attachment E, Regional Fire Service Delivery Study Addendum, March 2020, as part of the March 16, 2021 staff report, and Page 395 of the agenda packet, and commented the old projection shown in that study had been based on data at that time, which had projected the City’s anticipated benefit cost and status quo for the Fire Department would be \$3 million by this year and \$3.6 million by 2024.



Mr. Menis noted however that Page 781 of the fiscal analysis performed by the Stone Municipal Group had shown benefit costs at around \$1.5 million for the current year's budget and about \$1.6 to \$1.7 million for FY 2023/24, and he understood the discrepancies were because the data used for the older study prepared by ESCI had been based on data at the time that had turned out to be inaccurate.

City Manager Murray understood the ESCI study had used a different methodology to forecast cost and as part of that the City had not received a formal cost proposal from Con Fire, as it had for the current report from the Stone Municipal Group. Again, Con Fire could provide services in a more efficient manner than the City irrespective of the \$2 million subsidy.

Mr. Menis also referenced Page 395 of the agenda packet, Figure 27, and noted that was not the projection from the ESCI study if the City were to add another fire station, but projected status quo expenditures. He had raised concerns with the preparer of the ESCI study that the valuations shown for benefit costs were simply status quo and the primary cost adjustment factor across all of the factors were unrealistic, which the current study prepared by Stone Municipal Group had shown to be the case.

Mr. Menis also commented as shown on Page 6 of the staff report that Con Fire did not provide a Community Emergency Response Team (CERT) and the City would have to provide that service as a separate function, whereas Pages 749 and 750 of the agenda packet reflected that Con Fire would coordinate under community education fire safety and training programs, as shown, which had included CERT Fire Training among numerous programs. He suggested that should be clarified.

Fire Chief Wynkoop clarified the City currently did not offer CERT training and was looking into re-establishing that training under the auspices of the new Fire Captain position. Con Fire would provide "fire specific training" towards the City's CERT program should the City wish to re-establish the CERT program.

Mr. Menis hoped the City would be able to re-establish the CERT program in the future given it had been noted as a Strategic Plan element and would make the City more resilient as a whole. He also commented on the County's contribution in costs and was pleased with Supervisor Gioia's comments that the County had plans to confirm its intent to provide Measure X funds at \$2 million per year. He also referenced Page 744 and suggested it would be beneficial to modify recital (c) to explicitly confirm the \$2 million over the lifetime of the contract and add a possible escalation clause.

City Manager Murray advised that the intent of contribution in costs would be incorporated into the body of the contract itself not just in the recitals.

Mr. Menis also referenced Pages 800 and 801 and the charts for the response times for structure fire calls for Fire Station 74, which included a blank quadrant and asked if that was a graphical error or whether there was no noticeable benefit in response time, and Fire Chief Wynkoop clarified the areas immediately adjacent to Fire Station 73, which Station 73 would respond to, would be minimally affected by having Fire Station 74 in operation. The blank quadrant also referenced a park with no residences in that area but he would verify that information.

Mr. Menis further referenced Page 7 of the agenda packet and asked why a bare bones separation/transition plan could not be considered as part of the contract, to which City Manager Murray clarified that if there was a separation for some reason there would be a significant amount of work and lead time on the City's part to get that arranged but not a lot of cost. A transition plan was still being negotiated.

Mr. Menis referenced Page 749 and the dispatch service costs and asked what impact the transition of the current dispatch services from the City to Con Fire would have on the City's dispatch budget in terms of revenues and expenditures, and City Manager Murray clarified that Con Fire's Dispatch Center currently dispatched for the Pinole Fire Department. The dispatch center at the Police Department dispatched for San Pablo, Hercules and Pinole Police Services, with no changes under a call for service as to how fire would be handled.

Mr. Menis supported the adoption of the contract given the information provided and how the contract would be modified. Many people he had spoken with as a past and present City Council candidate had also expressed support for the contract which would benefit the Pinole Valley and residents throughout the City for all of the reasons previously mentioned. He urged the City Council to consider adopting the contract with the modifications discussed including the clarification of the County's financial commitment in writing and an escalation clause.

Cameron Sasai, Pinole, stated he had spoken with many members of the community about the contract which would benefit the residents of Pinole and offer timely emergency response. He recognized that without partnering with the County it would be virtually impossible to sustain staffing services at both fire stations at the levels needed and it was important to get the contract done by any means necessary. He asked the City Council to work towards approval of the contract with Con Fire.

Ernesto Chacin, Pinole, questioned whether Pinole firefighters would make less money if the contract was approved and commented that many Fire Department employees were skeptical of the contract with Con Fire. He asked why some people opposed the contract given the many benefits and asked whether or not everyone was in agreement that the City had a great Fire Department.

Fire Chief Wynkoop clarified there would be an increase in overall compensation. Based on his personal experience and in speaking with Pinole Fire Department staff, he had not experienced the skepticism the speaker had referenced. If Fire Department staff was apprehensive it could be due to the fact that this approach had been unsuccessfully attempted before. He understood Fire Department staff wholeheartedly embraced the contract as did the labor groups. He suggested the City had a great Fire Department which could be improved upon by joining an even more efficient Fire Department with a lot to be gained, as he had previously highlighted.

City Manager Murray clarified that state law had recently changed requiring specific criteria in order for LAFCO to authorize Con Fire to provide services in a different jurisdiction and approval from the affected employees would be required.

William Horton, Pinole, speaking on behalf of former City Council member Mary Horton, suggested a brief summary of the contract would have been helpful for the public to review. He asked the net impact to the City's budget over the next eight years of the contract.

Fire Chief Wynkoop again highlighted the fiscal analysis that had shown the net impact would be about a wash while doubling fire service capabilities.

Mr. Horton asked how long in months and years funds from Measure X would last, and Fire Chief Wynkoop stated Measure X was a 20-year tax measure with the BOS to affirm the availability of the funds throughout the term of the contract, as previously outlined.

Mr. Horton asked whether professional polling had been performed in the event a parcel tax of \$500 should be necessary for the 6,000 plus parcels that would be impacted, and Fire Chief Wynkoop informed him there had been references to polling that had taken place in previous iterations of this discussion but not in collaboration with Con Fire as part of the contract and \$2 million subsidy.

Mayor Salimi declared a recess at 8:05 p.m. The Special City Council Meeting reconvened at 8:10 p.m. with all Council members present.

James Harris, Pinole, a resident of the Pinole Valley, emphasized there was a lot of dead landscaping, there were concerns with wildfire, and he emphasized the need to have existing trees maintained or cut down. He appreciated the need to move forward and get the contract done.

Alison Crooks, Pinole, stated she was the spouse of a local firefighter and she thanked everyone involved in the review of the draft contract. She noted that LAFCO was aware of the City's high calls for service given that the City of Pinole had one of the higher averages within Contra Costa County for all fire stations. Since Pinole was building new housing, the Bay Front development was growing in the City of Hercules, which would impact Pinole since the Pinole Fire Department had been called for assistance, and the Rodeo-Hercules Fire Department would be burdened by future development, she suggested it would fall on the rest of the County to help or give up resources. She acknowledged the PowerPoint presentation had highlighted the efficiencies that Con Fire would provide and identified the potential service level increases and training opportunities that would benefit the area and extend beyond the City of Pinole.

Ms. Crooks asked if the contract was not approved whether the County would retain the \$2 million subsidy. She supported the contract, hoped it would continue to be reviewed and any questions answered, and possibly the term of the contract could be extended in the future to afford two fire stations in Pinole for years to come.

City Manager Murray confirmed that if the contract was not approved the County would retain the \$2 million subsidy.

Steven Dorsey, Pinole, representing IAFF Local 1230 and a Fire Captain with the City of Pinole, thanked Fire Chiefs Wynkoop, Broschard, the BOS, and the City and County negotiating teams for their collaborative work to find solutions to address long-standing issues of fire services in Pinole given the closure of Fire Station 74 in its entirety in 2011. He clarified that Measure X was a tax paid by Pinole residents whether or not Fire Station 74 was reopened. There was now a financial mechanism to reopen Fire Station 74 with no additional costs to taxpayers and he supported moving in this direction to have two fire stations where the City was effectively paying for one fire station.

Mr. Dorsey also spoke to the differences in cost for the two fire stations, as previously mentioned, which was due to economies of scale, with benefits in collaborating with Con Fire to provide better fire services for Pinole citizens. He added that as a labor representative there was support for this concept, and while a lot of work still needed to be done, the goal was to improve fire services in Pinole and the labor union supported the contract as an enhancement to citizen and firefighter safety. In terms of work related illnesses, he described it as an unfortunate price labor members paid but they willingly understood and signed up for the job anyway. He added that he was due to travel out of state to honor the memory of Pinole Fire Captain Robert Ramos.

Vincent Wells, President, IAFF Local 1230 representing Pinole firefighters since 2008, suggested the signing of a contract would be an historical event and had been sought by IAFF Local 1230 members for years. Signing a contract for the East Contra Costa Fire Protection District had been a huge step and it was equally important for West County to get its staffing back to adequate levels. He commented on the many benefits of reopening Fire Station 74 in the Pinole Valley given the Wildland Urban Interface (WUI) designation, with Fire Station 74 to be the first line of defense. He too expressed his appreciation to Fire Chiefs Wynkoop and Broschard, the City Council and City Manager for their hard work to get this done.

Mr. Wells added that he had attended the recent BOS Fire Board meeting and commented on the work of the Measure X Committee and the efforts to reopen Fire Station 74 in Pinole, a priority that had been emphasized to the BOS. The BOS had a lengthy discussion about Measure X funds and there was acknowledgment of the commitment of long-term funds to be confirmed at the next BOS Board meeting. He also appreciated the effort to educate the community and he hoped the City Council would support the contract and allow Fire Station 74 to reopen.

Frankie Martinez, Pinole, thanked everyone involved in the process. He emphasized the need to remember the area was in a High Fire Hazard Severity Zone and some insurance carriers had closed offices and left the State of California with many homeowners having seen their insurance premiums drastically increased. He asked whether any analyses had been done on the cost of a potential wildfire or what the community was bearing in terms of increases in insurance costs. He asked the City Council to support the contract and get Fire Station 74 reopened as soon as possible.

Irma Ruport, Pinole, urged the City Council to move forward with the contract. She did not want to see the City of Pinole become another Paradise, California. Reopening Fire Station 74 would provide safety for all in Pinole.

Maria Alegria, Pinole, thanked Mayor Salimi, the City Council and City staff who had worked so hard to pass Measure X, a countywide measure supported by residents of Contra Costa County, which had passed by 70 percent of voters. As part of Measure X, fire and medical services were a top priority. She also appreciated the work of the Fire Chief and in particular the work of Council member Tave who had taken Measure X to a countywide organization to gain support not just in Pinole but throughout the county. Given the City did not have a local hospital for emergency services, it had to rely on paramedics and fire engines to provide emergency services, with over 70 percent of the calls for service related to medical emergencies, illustrating the fact that reopening Fire Station 74 in the Pinole Valley was much needed. She suggested this was a small investment to protect lives and homes and she urged the City Council to move forward with the contract. She trusted the City Council would do the right thing and protect the health and safety of those it served.

Bill Brown, Pinole, supported the contract but expressed concern when the subsidy from the County ended. He wanted assurance that Fire Station 74 would remain open which he hoped would be worked into the contract. He commented that a recent fire on Colusa Street had resulted in a large response from outside agencies beyond the City of Pinole, was a great training moment and a response he appreciated.

Peter Murray, Pinole, stated this issue had always been about money with Measure X representing a windfall for the community. He supported an escalation clause and understood it would be incumbent on the economy not to fluctuate. If there were increases and costs passed on to the City, he questioned whether the City was positioned for those cost increases beyond Measure X and whether the City would be able to continue to provide core services to residents.

Fire Chief Wynkoop reiterated as Supervisor Gioia had stated that the escalation of Measure X would be considered by the BOS at a future meeting.

CCCFPD Fire Chief Broschard also reiterated the direction from the BOS to the County Administrator to provide information on escalators for all fire-based Measure X funds as well as language to reflect the ongoing commitment.

Mayor Salimi added the fiscal analysis that had been prepared was very conservative and had not included any escalators, which was why in future years the numbers would increase.

At this time and on behalf of the City Council, Mayor Salimi expressed his appreciation to Mr. Dorsey and his work in honoring the life of former Pinole Fire Captain Ramos.

In response to Mr. Murray since the City would be serving unincorporated areas of the Pinole Valley as to whether the City would be credited for providing that service, City Manager Murray explained that the contract did not include a specific provision that addressed that issue. The ESCI analysis had some data challenges with incomplete information on the number of calls the City ran outside of Pinole and peer battalion agencies did not have complete information. One of the advantages of the contract with Con Fire was that Con Fire had greater capacity in that area and other areas and as part of the contract would provide the City with quarterly reports on calls for service. This would allow the City to determine whether or not it was a net contributor or recipient of aid from outside organizations. Staff's perspective was if moving forward with the contract, Con Fire would contribute about \$8 million to the agreement, and if the City was a net contributor of anything less than a quarter of the capacity, the County was already paying that amount. In a year's time, the City should have better clarity on that topic.

Mr. Murray commented on the number of high-end homes in the Pinole Valley that would likely require services from Fire Station 74, which was the thought process for his question and why he wanted to know whether or not there would be any credit for Pinole, which should be considered as part of the negotiations for the contract. In terms of the termination language, he suggested that section of the contract should be clarified, the termination agreement should not be open-ended, and equipment retention and manpower should be clarified. He also questioned whether Pinole could maintain employees from the County workforce due to bargaining agreements.

Fire Chief Wynkoop again stated Pinole employees would become Con Fire employees. If, as an example, the City of Pinole had to start a Fire Department again, 12 months was sufficient lead time to recruit the number of employees needed.

The City would then return to staffing one fire station not two fire stations. In the event the contract was terminated, Fire Chief Wynkoop emphasized Con Fire would not leave the City of Pinole abandoned with no service and would remain until the City re-established its Fire Department. He also reiterated the retention of fire apparatus would depend at what point in time the termination occurred but if ten years down the road, as an example, that equipment would be out of its service life and there would likely be a discussion about leasing back the equipment.

Mr. Murray wanted assurance the County's commitment would be ongoing. He also questioned why Measure X funds would be excluded from the City of Pinole if the City terminated the contract since Pinole residents were paying into Measure X regardless and at some level deserved those funds for the community.

Fire Chief Wynkoop commented there were other cities in the County that were also paying into Measure X but were not having fire stations reopened. He was uncertain if the contract were terminated how Pinole would be uniquely burdened by residents paying that tax and the fire station was not opened.

Mr. Murray suggested the City of Pinole was unique in that it had a fire station that had been closed, which provided a number of benefits to West County in general and on a minor scale in Central Contra Costa County. Once Fire Station 74 reopened it would make the area work fundamentally well and no other city or Con Fire had two fire stations to allow that to occur.

Fire Chief Wynkoop explained that the likelihood of the City retaining those Measure X funds if the contract were terminated was slim in that none of the Measure X funds had trickled down to municipalities.

City Manager Murray added if the offer to reopen Fire Station 74 with the \$2 million in Measure X funds did not work out, it was a reasonable position for the City to ask the question whether Pinole would be getting something else out of Measure X.

Tony Gutierrez, Pinole, fully supported the contract. He was thankful for all of the work done, the professionalism and leadership shown and the willingness to look outside of Pinole for solutions.

## **PUBLIC COMMENTS CLOSED**

Council member Martinez-Rubin acknowledged there was no question that reopening Fire Station 74 would benefit the City and West County. She appreciated all of the work by everyone involved and the residents support for Measure X. She asked whether LAFCO had to approve the contract prior to the City Council's approval.

Fire Chief Wynkoop again detailed the next steps, with City Council approval required of the contract prior to submittal to the BOS to submit an application to LAFCO. From that point the contract could be executed.

CCCFPD Fire Chief Broschard understood if LAFCO did not approve the contract any approval would become null and void. He envisioned the City Council and Board of Directors of the Fire District would approve the contract and then go to LAFCO as part of the application packet, with the actual execution of the contract subject to LAFCO approval.

Council member Martinez-Rubin thanked Supervisor Gioia for verbally expressing his support and would await the outcome of that piece related to the commitment of \$2 million per year for the term of the contract and consideration of an escalation clause. She pointed out that Page 16 of the contract mentioned an increase in labor related costs with the County budget to be modified without approval by the City, with the employees to be County employees and with Con Fire to provide all efficiencies. Who paid for the labor costs and escalation would involve more discussions prior to a final contract. In terms of dispatch services, Page 6 of the contract mentioned the City's proportionate share would be an expense to the City and she clarified with staff that expense had been included in the draft contract.

City Manager Murray identified a typographical error on Page 6 of the contract which had stated the dispatch costs would be paid in addition to the cost proposal, which was in error and a remnant of a former version. Again, the City had already paid Con Fire for dispatch services and would continue to do that under the contract for service, to be included as a cost in the cost proposal.

Council member Martinez-Rubin asked why the cost proposal at this time was deemed to be acceptable versus payment on actual cost for services and City Manager Murray explained that either of the approaches would work and City staff and Con Fire would be happy to use any arrangement. He noted that many contracts in Alameda County were on an actual cost basis but that involved more administration work back and forth.

CCCFPD Fire Chief Broschard explained that the administrative rate had been contemplated on the "bill the budget" scenario with additional administrative costs and time associated with payment on actual costs.

Council member Martinez-Rubin commented that Page 10 of the contract was missing some language and should be clarified, and Page 13, Use of Facilities should be clarified in terms of who paid for maintenance and the like, and City Manager Murray clarified Page 10 of the contract required further refinement, and Page 13, Use of Facilities was clarified. He noted that Con Fire may use the two fire station facilities under a lease agreement and was responsible for certain custodial items while the City was responsible for other maintenance items.

Council member Martinez-Rubin asked whether the City Council would see the end of useful life of the facilities in the next 10 years, and City Manager Murray suggested the end of useful life of the facility would likely be around 2050, not within the term of the contract or initial term of Measure X. If the City had to pay for a new Public Safety Building, as an example, new financing would have to be considered.

Council member Martinez-Rubin referenced Page 16 of the contract and cost of new development, and acknowledged concerns from the public the City was not in the position to address the costs of infrastructure and potential fire risks. While new development would have sprinklers, she asked why the language in the contract was such that Con Fire would not be liable for bearing the costs associated with new development in terms of providing fire safety.

City Manager Murray explained that Pinole would continue to pay under a contract for service, for fire service in Pinole and bear the costs for fire services in the City, and under that basic framework the County would not pay for new apparatus to service the City of Pinole. To the extent that was a regional resource that helped other communities, there may be some cost sharing, which was one of the finer points of the agreement still to be discussed with Con Fire.

Council member Martinez-Rubin referenced Page 19 of the contract and the language on workers' compensation claims for employees, which language appeared to be contradictory in terms of claim versus injury as to whether an employee of the City or Con Fire, which also needed to be better clarified.

City Attorney Eric Casher stated the language could be reviewed to ensure consistency.

Council member Martinez-Rubin referenced Page 19 of the contract and the mention of an effective date and end date, which she suggested was encouraging that someone else was considering a five-year term. She stated it was important to have a commitment in writing for that five-year term and beyond. As to Page 21 of the contract, she looked forward to the exhibits to be included in the final contract.

City Manager Murray reiterated the intent for the City Council to identify any changes to be incorporated into the contract for staff to discuss with Con Fire. As to whether staff would be able to have those discussions and return with a final contract for consideration at a Special City Council meeting tentatively scheduled for September 27, he hoped to have an idea in the next few days and Fire Chief Wynkoop agreed.

Council member Tave thanked everyone for their input. He recognized the City was still in negotiation and there were deal points that may change the contract. He suggested the City Council allow the professionals to go back to the table and come to terms with a final contract. He was pleased with some of the terms he found to be fair, suggested the contract would be great for the region and a great use of Measure X funds. He was confident an agreement could be reached and he again thanked everyone involved in the process.

Mayor Pro Tem Murphy also thanked City staff for the information and the public for its input. He asked who governed Con Fire and how often they met and was informed by CCCFPD Fire Chief Broschard the BOS served as the Board of Directors of the CCCFPD Fire District and met the second or third Tuesday of each month.

Mayor Pro Tem Murphy commented that residents were concerned with the lack of information on CCCFPD matters and many residents had been excluded from participating given that CCCFPD Board meetings were scheduled for the afternoon and not in the evening.

CCCFPD Fire Chief Broschard clarified the CCCFPD had no plans to change its meeting schedule or governing structure. There was public access to the CCCFPD in a variety of ways and an Advisory Fire Commission met on the first Monday every other month. There was also social media interaction opportunities and dedicated email accounts for the public to access.

Mayor Pro Tem Murphy commented that communications and public engagement was challenging for Pinole and as the City Council dealt with this transition he wanted that to be amplified. As the City signed a contract, he would like to find opportunities to better educate the public, and as part of a transition plan a communications and engagement plan should be considered. He also requested the PowerPoint presentation be added to the home page of the City's website for the Fire Department to also educate the public. He was proud the City was taking this step, with many people hurting in the City given the lack of a fire station. He stated the reopened fire station would fulfill a community need and connect the community.



Council member Toms also thanked CCCFPD Fire Chief Broschard, City staff and all those behind the scenes who had been working on the contract. She commented on the background and passage of Measure X and the efforts to ensure that Pinole received funds for fire services in West County. She thanked the Fire Chiefs Association, Measure X Advisory Committee and members of the public for their efforts on how that funding should be spent.

Council member Toms also recognized the BOS wanted measureable outcomes for how Measure X funds were spent. She had provided census information to Fire Chief Wynkoop on the unincorporated areas of the City, commenting that Pinole had been responsible for fire service for a third of the unincorporated area without getting compensation until recently and she highlighted the history of that situation and stated when looking at projections and cost estimates that needed to be taken into account.

Council member Toms commented the contract had identified the possibility of reduced services if the City needed to pull back on costs. She asked for an example of reduced services.

Fire Chief Wynkoop did not anticipate any cost would drastically go over the estimates but in case the parties were to encounter a disparity in the cost estimates where they could not be reconciled, the only alternative would be to reduce services such as rather than staff two engines, have one engine at one fire house and a squad at the other.

Council member Toms asked whether the five-year projections could be rolling five-year projections so that Year Four was still looking five years out, as an example.

City Manager Murray advised that Con Fire had provided one static multi-year forecast and may be agreeable to a rolling five-year forecast, which he would request.

Council member Toms referenced plan review and her understanding that plans at one point had been submitted on paper, and asked if that was still the case or if digital plans were available.

CCCFPD Fire Chief Broschard explained that discussions had been held with the City's Community Development Director on how best to put the two systems together, with the City's system more advanced than Con Fire's and with Con Fire heavily paper-based. He hoped by next July Con Fire would have a standardized electronic plan review submittal and software system to allow the ability for electric documents to go back and forth.

Council member Toms understood the City would still be responsible for fuel abatement for City-owned property and Fire Chief Wynkoop clarified that the City would be responsible for fire fuel abatement on City-owned property and \$120,000 had been budgeted for that purpose

CCCFPD Fire Chief Broschard clarified that abatement on private property would not be done by Con Fire which did not have the ability to abate and place liens on properties within the City of Pinole given the lack of contractual authority to lien property after it was abated. Con Fire had discussed at the staff level keeping the City's abatement processes internal to the City moving forward.

Fire Chief Wynkoop clarified again that the \$120,000 was for fire fuel abatement on City property and abatement on private properties would involve code enforcement.

Council member Toms asked whether citizens living within a contracted area would be eligible for a seat on a Fire Commission and was informed by CCCFPD Fire Chief Broschard that would be permitted under the current by-laws for the current Fire Commission.

Mayor Salimi reopened public comment. There were no further comments from the public.

Mayor Salimi thanked everyone for their comments. He also commented on the importance of fire safety and thanked the Fire Department for its work and commitment. He thanked City staff for all of their hard work, Measure X Advisory Committee, BOS, City Council and members of the public for all input.

City Manager Murray summarized the direction from the City Council with Council consensus for modifications to the contract for a guarantee of \$2 million in funding and an escalator for each year of the contract.

Council member Martinez-Rubin again suggested some new language related to costs associated with new development and a level of responsibility to bear the costs for fire services that would be needed, and City Manager Murray reiterated that staff would have a conversation with Con Fire on this issue and would review the section on new development in the contract for potential clarification and possible cost-sharing language.

Council member Martinez-Rubin also sought more clarity about injury and workers' compensation claims.

**6. ADJOURNMENT** to the Regular City Council Meeting of September 20, 2022 in Remembrance of Amber Swartz and Pinole Fire Captain Robert Ramos.

At 10:07 p.m., Mayor Salimi adjourned the meeting to the Regular City Council Meeting of September 20, 2022 in Remembrance of Amber Swartz and Pinole Fire Captain Robert Ramos.

**Submitted by:**



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**Heather Bell, CMC**  
**City Clerk**

**Approved by City Council: October 18, 2022**

