

**CITY COUNCIL MEETING
MINUTES
November 15, 2022**

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

The City Council Meeting was held in a hybrid format (in-person and via Zoom videoconference and broadcast) from the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Salimi called the Regular Meeting of the City Council to order at 5:06 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

*Arrived after Roll Call

B. STAFF PRESENT

Andrew Murray, City Manager
Heather Bell, City Clerk
Eric Casher, City Attorney
Jeremy Rogers, Community Services Director
Lilly Whalen, Community Development Director
Sanjay Mishra, Public Works Director
Chris Wynkoop, Fire Chief
Bernie Zipay, City of Pinole Contract Building Official
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on Thursday, November 10, 2022 at 10:00 a.m. with all legally required written notices.

One written comment had been received in advance of the meeting, posted to the City website and distributed to the staff and the City Council.

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

4. CONVENE TO A CLOSED SESSION:

A. CONFERENCE WITH LABOR NEGOTIATORS

Gov. Code § 54957.6

Agency designated representatives: Andrew Murray, City Manager, Stacy Shell, Human Resources Director

Represented employees: Local 1, IAFF, PPEA

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

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.

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

At 5:44 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.

Rafael Menis, Pinole, updated the City Council on the COVID-19 case rate for the City of Pinole and encouraged everyone to wear masks indoors and outdoors, particularly in crowded spaces. He also commented on the results of the recent election and while the results had yet to be finalized he congratulated the apparent winners and apologized to those who voted for him given his likely defeat. He apparently had not done a good enough job on persuasion, personal transparency or outreach, but would continue to participate in City Council meetings and as a member of the Planning Commission work to make the community better, build up community engagement and inform people about community events through emails he would send to the community. Interested persons may sign up at menisforpinole.org and use the contact link identified on the site. He thanked everyone who had supported him, who had volunteered and donated to his campaign and he appreciated the effort and willingness to support him and protect the future of Pinole.

[There appeared to be technical difficulties with Zoom and some people could not call into the meeting. City Clerk Bell identified the instructions to call into the meeting, as shown on the meeting agenda, and the Mayor paused the meeting to allow staff to address the technical issues. After a brief pause, staff reported there appeared to be no issues with the broadcast connection but some callers still remained unable to call into the meeting.]

Mayor Salimi stated there would be another opportunity for public comment at the end of the meeting and he again identified the call-in instructions to participate in the webinar meeting.

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Salimi reported he had spoken with the General Consul for Ukraine to discuss Sister City opportunities. He asked for a Moment of Silence in recognition of Stanley Casher, the father of City Attorney Eric Casher at this time, offered his condolences and asked that flowers be sent to the Casher family.

Mayor Salimi also reported the City had held a wonderful Veterans Day event and he thanked the Pinole Historical Society and everyone who had participated.

B. Mayoral & Council Appointments: None

C. City Council Committee Reports & Communications

Council member Martinez-Rubin reported she had attended a WestCAT Board meeting and briefed the Council on the discussions, and reported on the increase in ridership for the month of October 2022 as compared to October 2021 due to the free ridership WestCAT had offered for the month. She also reported the Annual WestCAT Stuff a Bus event, which collected non-perishable food items and toys on December 14, 2022, would be held at the Target parking lot located at 1400 Fitzgerald Drive between 9:00 a.m. and 4:00 p.m., with the public invited to participate and with the donations to benefit the Contra Costa and Solano County Food Bank. Toys for all ages would be accepted to benefit children affiliated with the California Highway Patrol (CHP) Chips for Kids Drive. She wished everyone a happy, safe and healthy Thanksgiving.

Mayor Salimi also wished City staff and the community a Happy Thanksgiving.

Mayor Pro Tem Murphy reported the Marin Clean Energy (MCE) Board of Directors would meet on Thursday, November 17, 2022 at 7:00 p.m. with additional information on the MCE website; and invited Council members and any other interested party to attend Elected Officials to Protect America as part of the California Climate Emergency and Energy Security Summit, to be hosted at the California Energy Commission in Sacramento on December 5 and 6, 2022, which would offer networking opportunities to engage both local and state officials to share best practices and understand ordinances and policies around renewable energy and possibly housing. As a member of the Steering Committee hosting the event, he encouraged the Council to join the event either virtually or in-person. The event was open to the public and registration free of charge. Additional information was available at protectingamerica.net.

Mayor Pro Tem Murphy also reported that local firefighters had recently been sworn-in and he thanked them for their service to the community.

Council member Toms reported she had signed up to participate in the California Climate Emergency and Energy Security Summit; attended a WestCAT Board meeting; Ruby Bridges Walk to School Day at Ellerhorst Elementary School; and participated in a sea level rise and ground water discussion at the East Bay Leadership Offices.

D. Council Requests for Future Agenda Items

Mayor Pro Tem Murphy requested a future agenda item to discuss what other cities had done related to discretionary budget training for individual City Council member expenditures. He asked that a staff report be prepared and that a discussion be considered as part of the mid-year budget report/adjustments. Consensus given.

E. City Manager Report / Department Staff

City Manager Andrew Murray reported this week was United Against Hate Week (UAHW), with a proclamation to be issued later on the agenda and with a number of events planned to culminate with events at Fernandez Park on the afternoon and evening of Friday, November 18, 2022, with more information on the City website. The Annual Senior Craft Fair would be held on Saturday, November 19, 2022 at the Senior Center; and the Community Services Department would be offering some Thanksgiving break camps for school children, with more information on the City website. The Annual Holiday Tree Lighting would take place on Saturday, December 3, 2022.

The next City Council meeting had been scheduled for December 6, 2022 and it was hoped the election results would be certified by that date to allow the seating of newly-elected members of the City Council.

City Manager Murray provided an overview of the scheduled agenda items for the December 6 City Council meeting. He also provided an overview of the agenda items tentatively scheduled for the Town Council meeting of December 20, 2022. There would be no City Council meeting scheduled for the first Tuesday of the month of January 2023 due to the holiday period, with the first City Council meeting in 2023 scheduled for January 17, 2023.

F. City Attorney Report

City Attorney Eric Casher thanked the City Council for the Moment of Silence in recognition of his father. He appreciated the acknowledgement and the flowers sent from the City to his family.

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, requested a future agenda item for the City Council to have a presentation on the status of the Port of Oakland's recovery after the pandemic; and consider a future agenda item to hire CPS Consulting to provide diversity, equity and inclusion. He also extended his condolences to City Attorney Casher and his family.

City Manager Murray reported the City Council had appropriated funding in the current fiscal year budget to hire a consultant firm to work on a diversity, equity and inclusion initiative.

City staff was in the process of developing the scope of work with the vendor who had not yet been procured, which would follow the City's normal procurement policy practices.

Mayor Salimi reported a presentation on the Port of Oakland had recently been provided at the Mayors' Conference.

Mayor Pro Tem Murphy asked whether schools would participate in the Annual Tree Lighting Ceremony as they had in the past and was informed by City Manager Murray that local schools had been invited to participate to install and decorate trees in the Community Corner.

Community Services Director Jeremy Rogers confirmed that staff was working with several schools in Pinole and with the Parent Teacher Association (PTA) related to the tree lighting as had been done in 2021. More information was available on the City website or interested parties may contact the Community Services Department. Further responding to the Mayor Pro Tem, he clarified the latest Community Services Commission meeting had been canceled due to the lack of a quorum. The next meeting had been scheduled for the third Wednesday of January 2023.

Irma Ruport, Pinole, reported the month of November was Native American Heritage Month. She asked the City Council to recognize the contributions of Native Americans during the month of November and read into the record a statement in recognition of Native American Heritage Month.

PUBLIC COMMENTS CLOSED

Given the earlier technical difficulties, Mayor Salimi returned to the Citizens to be Heard portion of the agenda.

Irma Ruport, Pinole, commented that the Pinole Food Bank/Senior Center had lost its distribution of food boxes and she asked the City Council to consider a discussion between the City Council and the Food Bank to see how the City could help given the holidays and the fact people were suffering during these hard times. She wished everyone a happy holiday.

City Manager Murray stated, as reported during a prior meeting, the food distribution the City helped to facilitate at the Senior Center had goods provided by the Contra Costa and Solano Food Banks, which were undergoing a transition in their programs and would be transitioning to a new model. Twice-monthly there would be dry and canned goods distributed and twice monthly there would be a produce distribution although that would not be in place until January 2023. The City had been unable to engage with the Food Bank during this transition period and had no ideas for interim resources.

Community Services Director Rogers confirmed the County had terminated its normal distribution. In January 2023, an entirely new program would be offered as described by the City Manager. For the months of November and December, produce distribution would be offered and the City was trying to find other avenues and other food banks and would provide Pinole citizens with that information.

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY ANNOUNCEMENTS

A. Proclamations

1. United Against Hate Week

The City Council read into the record a proclamation recognizing United Against Hate Week (UAHW); with the City Council united against hate; recognized the Pinole City Council was one of the most diverse Councils the City of Pinole ever had; this was the second year for UAHW activities; and City staff and supporters of UAHW were thanked for their participation. The proclamation was presented to Council member Martinez-Rubin who thanked the City Council for the proclamation and stated she was pleased this was the second year for UAHW activities and that the City was building on those efforts.

PUBLIC COMMENT OPENED

Cordell Hindler, Richmond, supported diversity and all people and would try to participate in the scheduled UAHW activities in Pinole. He appreciated the proclamation and the need to respect one another.

Rafael Menis, Pinole, thanked the City Council for the proclamation and the fact the entire City Council backed UAHW given increased provocations nationwide. He detailed the activities the City planned as part of UAHW in Pinole on Friday, November 18, 2022 from 4:30 to 8:30 p.m. at 595 Tennent Avenue. He hoped the community would join in the UAHW activities and unite for a more unified and just community for all.

PUBLIC COMMENTS CLOSED

B. Presentations: 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 Regular Meeting Minutes of November 1, 2022
- B. Receive the October 29, 2022 – November 11, 2022 List of Warrants in the Amount of \$524,664.82 and the November 11, 2022 Payroll in the Amount of \$540,208.93
- C. Resolution Continuing Authorized Remote Teleconference Meetings Pursuant to AB 361 **[Action: Adopt Resolution per Staff Recommendation (Casher)]**
- D. Resolution Approving an Agreement with RSG for Affordable Housing Consultation Assistance Including Monitoring, Compliance and Reporting, and Appropriating Funding from the Housing Successor Fund for this Purpose **[Action: Adopt Resolution per Staff Recommendation (Whalen)]**
- E. Authorize the City Manager to Execute Amendments to Extend Existing On-Call Service Contracts for Engineering and Environmental Services and Execute New

On-Call Service Contracts Related to Wastewater and Stormwater **[Action: Adopt Resolution per Staff Recommendation (Mishra)]**

- F. Receive the Fiscal Year (FY) 2022/23 First Quarter Financial Report **[Action: Receive Report (Guillory)]**
- G. Receive the Quarterly Investment Report for the First Quarter (Ending September 30, 2022) **[Action: Receive Report (Guillory)]**
- H. Receive the Quarterly Report on Implementation of the Greenhouse Gas Inventory and Climate Action and Adaptation Plan for Fiscal Year (FY) 2022/23 First Quarter **[Action: Receive Report (Whalen)]**
- I. Fiscal Year (FY) 2022/23 First Quarter Report on Implementation of Capital Improvement Plan (CIP) Projects **[Action: Receive Report (Mishra)]**
- J. Receive the Quarterly Report on Implementation of the Strategic Plan for Fiscal Year (FY) 2022/23 First Quarter **[Action: Receive Report (Murray)]**
- K. Award a Construction Contract for Installation of an Electric Vehicle Charging Station (CIP Project #FA2002) **[Action: Adopt Resolution per Staff Recommendation (Kaur)]**
- L. Approve an Amendment to Extend the Term of the Employment Agreement for the City Manager **[Action: Adopt Resolution per Staff Recommendation (Shell)]**
- M. Placement of Liens on Delinquent Unpaid Waste Collection Charges Falling Delinquent between May and August 2022. Considered at an Administrative Hearing on October 6, 2022 **[Action: Adopt Resolution per Staff Recommendation (Stone)]**

Mayor Salimi read into the record a statement related to Consent Item 9L. Pursuant to Government Code Section 54953(c)(3), this item was a recommendation to extend the City Manager's Employment Agreement to June 30, 2025. On November 1, 2022, the City Council had met in Closed Session to present Andrew Murray with an evaluation report reviewing his past year as City Manager. Mr. Murray had received a positive evaluation from the City Council and was appreciated for the many achievements the City had made on his goals over the past year. In accordance with this, the City Council believed it appropriate to offer a contract extension to the City Manager which would continue his service with the City of Pinole through June 30, 2025. The contract amendment would not change Mr. Murray's compensation or benefit and his current annual salary was \$258,156.74, and he received the same health and welfare benefits as the City's Department heads, plus other miscellaneous benefits.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, referenced the second paragraph of his comments as shown on Page 2 of the November 1, 2022 City Council Regular Meeting Minutes as part of Item 9A, and stated he had specifically endorsed Cameron Sasai and Anthony Tave for the City Council, had described their qualifications in particular and urged voters to vote for them and for himself.

Cordell Hindler, Richmond, spoke to Item 9J and stated he had no problem with the Quarterly Report on Implementation of the Strategic Plan for Fiscal Year (FY) 2022/23 First Quarter. As to Item 9L, he had submitted comments two weeks ago and he found the City Manager had done a good job, particularly given the pandemic. He urged the City Council to approve Item 9L.

Irma Ruport, Pinole, referenced Item 9I and asked that the item be continued given the recent election since new Council members would be seated and should be given the chance to revisit unfunded projects that had been taken off the Capital Improvement Plan (CIP), particularly since the CIP had not been prioritized and should be given the possibility of a recession.

Responding to the comments related to Item 9I, City Manager Murray reported the Fiscal Year (FY) 2022/23 First Quarter Report on Implementation of Capital Improvement Plan (CIP) Projects was an annual status report on the implementation of CIP projects. There would be a future item related to the CIP combined with a second quarter status report and mid-year check in, at which time staff would be making some potential recommendations for modification, which was the more appropriate time to consider the item.

Mayor Salimi requested that Item 9I be removed from the Consent Calendar.

Mayor Pro Tem Murphy thanked staff for the quarterly reports, which had shown what staff was doing to serve the community and he encouraged the public to read the reports. He suggested City staff was doing incredible work and adding new staff members and that transition was a piece of the work not included in the report. While there had been challenges, he was pleased to see all of the information.

PUBLIC COMMENTS CLOSED

ACTION: Motion by Council members Martinez-Rubin/Toms to approve Consent Calendar Items 9A through 9M, with the exception of item 9I.

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

- I. Fiscal Year (FY) 2022/23 First Quarter Report on Implementation of Capital Improvement Plan (CIP) Projects **[Action: Receive Report (Murray)]**

Mayor Salimi explained that he had removed the item from the Consent Calendar since a resident on Greenfield Circle had addressed the City Council during a prior meeting, mentioned he had lived in his residence since 1984, and wanted the City Council to include Greenfield Circle as a priority in the CIP. Since he would not be a member of the City Council when the CIP was next discussed at a future meeting, he asked the City Council to remember Greenfield Circle when considering the CIP and prioritizing projects.

ACTION: Motion by Council members Toms/Martinez-Rubin to approve Consent Calendar Item 9I, as shown.

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

10. PUBLIC HEARINGS

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

- A.** Introduction and First Reading of an Ordinance to Adopt the 2022 California Building Standards Code and Update the City's Building and Fire Code **[Action: Introduce and waive the first reading of an Ordinance adopting the 2022 Building Standards Code with updates to the City's Building and Fire Code (Casher)]**

City Attorney Casher provided a PowerPoint presentation on the California Building Standards Code, also known as the California Code of Regulations (CCR) Title 24, and stated the Pinole Municipal Code (PMC) had last been updated in 2019. The 2022 Building Standards Code would go into effect on January 1, 2023, and the City must adopt an ordinance to incorporate any local amendments into the Building Code. He thanked the numerous staff members who had worked collaboratively to review the amendments to state law to ensure consistency with the PMC.

City Attorney Casher explained the ordinance would replace the 2019 codes with the updated 2022 California Building Standards; the amendment would ensure current state requirements and trends in building safety were in place to better safeguard the life and property in the community, particularly in the event of a major earthquake or other destructive event; and the proposed ordinance would include general findings of local conditions necessary to justify local amendments. The amendments had been presented to the Municipal Code Update Subcommittee which had provided feedback on the changes to be made, but due to timing it had not been brought back to the Subcommittee. He thanked the Subcommittee for its input and advised that many of its recommended changes had been incorporated into the ordinance.

City Attorney Casher highlighted the code amendment specifics and the adoption of numerous Building Code sections by reference. He recommended the City Council introduce and waive the first reading of the ordinance adopting the 2022 California Building Code Standards with local amendments and updates to the City's Building and Fire Code. The second reading of the ordinance had been scheduled for the December 6, 2022 City Council meeting.

PUBLIC HEARING OPENED

Cordell Hindler, Richmond, suggested the City Attorney had done a great job with the presentation. He asked the City Council to follow the staff recommendation.

PUBLIC HEARING CLOSED

Council member Martinez-Rubin asked how the public could best understand what an applicant would need to know in-house when the ordinance went into effect, to which City Attorney Casher advised if the ordinance was approved it would go into effect 30-days after the second reading and then be codified into the PMC.

City Manager Murray explained that any time there were updates to state codes, there would be training opportunities from different parties and ongoing education for the Building Official and other staff members to be able to inform the public when applications were submitted.

Bernie Zipay, City of Pinole Contract Building Official, spoke to his experience helping with this update and explained how the public would be informed about the changes to the code, with most contractors familiar with code changes that occurred every three years. Information would be provided on the City website, in particular the Building Department section of the website, where that information could be provided and it could also be reflected in handouts that would be updated, as needed, in an ongoing procedure/process. The state also had information that contractors and homeowners may access and the City would rely on applicants doing their due diligence.

Mayor Pro Tem Murphy referenced Exhibit A, Chapter 15.20 of the Fire Code, Page 310 of the November 15, 2022 agenda packet and asked with respect to the reopening of Fire Station 74 whether the City Council would remain as the Board of Fire Commissioners as shown in Section 202, Board of Fire Commissioners.

Fire Chief Chris Wynkoop explained that once the ordinance had been adopted, the City would adopt the same code as the Contra Costa Consolidated Fire Protection District (CCCYPD) or Con Fire, and the Board of Fire Commissioners would be through Con Fire as well.

City Attorney Casher clarified that he would have to consult with the agreement the City had in place since he was uncertain how regularly the Board of Fire Commissioners would convene, although the governing body would be Con Fire and that section of the Fire Code would likely have to be changed, which would have to be confirmed and clarified in the staff report for the second reading of the ordinance.

Mayor Pro Tem Murphy was pleased the City would comply with the Green Building Code but asked whether the City could codify all electric construction or zero emissions for new buildings, and Mr. Zipay stated that the new Fire Code read that all new construction of new homes were required to be Electronic Vehicle (EV) charger ready and solar ready but the code did not yet specify that 100 percent of the home's power would be all electric. He noted the industry was not yet ready to support all of that change at this time but it was heading in that direction and a lot of conversations still needed to occur prior to requiring a new home to be 100 percent electric.

Mayor Pro Tem Murphy hoped the next edition of an update included those requirements as other cities had done. He wanted to see the City of Pinole take the next step for all zero emissions or all electric for new construction and an ordinance that focused on allowing the electric system to utilize thermal solar space and solar water heating, if possible, with the data to back it up.

Mr. Zipay reiterated that was where the City was heading for new construction; however, electrifying older buildings entered into different variables given that older electric panels could not support all new electrical appliances and that area was where there would be push back.

City Manager Murray suggested if the City Council wanted to discuss instituting Reach Codes and applying standards beyond the minimal code requirements would be a future agenda item.

Mayor Pro Tem Murphy clarified he was speaking of all new construction as part of a future discussion but would also like a discussion on retrofitting areas that had already been constructed in Pinole.

Mayor Salimi understood the Bay Area Air Quality Management District (BAAQMD) required all new homes to include all-electric appliances by 2026, but Mayor Pro Tem Murphy understood that was not yet law.

Community Development Director Lilly Whalen clarified the State of California was considering electric mandates by 2026. She added that some of the recent larger housing projects in Pinole had voluntarily proposed all-electric appliances.

Mayor Pro Tem Murphy understood the former Kmart property had not proposed all-electric appliances, which staff confirmed. He recognized when the state-imposed mandates, the City had a hard time adjusting and setting the tone for said mandates creating deadlines and goals to meet those mandates and he wanted to explore that conversation earlier.

Community Development Director Whalen stated the Climate Action and Adaptation Plan would be presented to the City Council in 2023, and she anticipated that plan would include some recommendations with respect to electrification.

Council member Martinez-Rubin was pleased there would be future discussions on some of those topics. She found that the comments from the City Council reflected a different level of the understanding of the process as well as the activities underway by staff and suggested at some point the City Council should review the process and procedures since it was not always clear to her that the requests were from the entire City Council and not just an individual request given the different levels of involvement staff must undertake.

Mayor Salimi understood as the City Manager had suggested that Reach Codes could be considered as a future agenda item, which would require full approval from the City Council which was confirmed by the City Manager.

Council member Toms explained that the Municipal Code Update Subcommittee had discussed whether it was ready to dive into the discussion about all-electric and had made the conscious decision on this round it would not, although the conversation was still out there for the future. She suggested the City would likely be ahead of the 2026 mandate since the City had adopted a Climate Emergency Plan, and Reach Codes would be an implementation of that plan and it would also be an implementation of the Climate Action Plan (CAP). She reported the Fire Code had been discussed countywide by all municipalities to ensure a consistent code across the board.

Council member Tave appreciated the discussion and commented that when the state passed something the City Attorney did a lot of work with the knowledge that some things may change as a result of other plans under development. He pointed out that if the City's codes were more restrictive than the state the City could pull back, but based on the discussion there was recognition that the State of California was heading to all-electric for new homes and commercial buildings and the City had to strike the balance and put this forward rather than defer.

Council member Tave did not want to see the City Manager and City Attorney put a lot of work into meeting the bar when the bar was going to be raised at some point. He questioned what bearing this would have on the CAP and how much more work would be needed.

City Attorney Casher reiterated the Building Standards Codes were triannual updates to the state Building Standards Code, and if the City were to develop its own baseline it would have to have this discussion every three years since the baseline would change and had to be incorporated into state law by reference; however, the City did not have to wait to incorporate state law to consider ordinances and tighten standards around electrification and new building and that direction could be provided to staff from the City Council at any point. Some of that direction may be in the form of policy adoption or bringing back an ordinance to change sections of the Building Code, which conversations would be ongoing.

City Manager Murray clarified the comments from the Community Development Director that the CAP would play a role in that the recommendations from the CAP would likely address additional building electrification and a possible policy recommendation for the City to meet its goals. At that time, the City Council could provide direction to staff whether to propose changes to the PMC to exceed current state requirements. The City Council could proceed with the subject item and at some point in the future the City Council could provide additional direction to staff to look at Reach Codes.

City Attorney Casher reiterated in response to Council member Martinez-Rubin that staff would like to move the item forward to have it on the books prior to January 1, 2023, otherwise state law would supersede local rules.

ACTION: Motion by Council member Martinez-Rubin/Mayor Pro Tem Murphy to Introduce and Waive the First Reading of an Ordinance Adopting the 2022 Building Standards Code with Local Amendments and Updates to the City's Building and Fire Code.

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

11. OLD BUSINESS

- A. Review and Feedback on Draft 2023–2031 Housing Element Update and Authorize Submittal to State HCD. [Action: Receive Report and Provide Direction (Whalen)]**

Community Development Director Whalen presented the staff report and introduced the Housing Element Consultants Michael Baker International (MBI) to provide a PowerPoint presentation.

Dan Wery, Michael Baker International (MBI), provided the PowerPoint presentation, which included an overview of the Land Use Planning for Pinole. He introduced the MBI Team, the purpose of the Housing Element to ensure the availability and fair distribution of housing throughout the City, and plans to accommodate the Regional Housing Needs Allocation (RHNA) assessment.

The 2023-2031 Housing Element contained six main chapters including a review of accomplishments, needs assessment, housing resources, constraints, Affirmatively Furthering Fair Housing (AFFH) and an implementation plan, which were all highlighted. The City's obligation was to provide sufficient land zoned appropriately to accommodate the RHNA. The City was not obligated to construct housing but must demonstrate how it would meet the 500-unit RHNA assessment within the eight-year period of the Housing Element with RHNA site designations to add value and options but which would not change existing owner rights or requirements.

The City's public outreach efforts included the City website, community surveys, stakeholder focus groups, community workshops, study sessions with the City Council and Planning Commission, banner and social media posts, Pinole Community Television (PCTV) advertisements, articles in the City's biweekly administration report and an email list to update interested persons on future Housing Element Updates.

The Planning Commission had held a workshop on October 24, 2022 and offered the following recommendations: to adjust the sites inventory to include the recently approved redevelopment of the Kmart site for 223 units (including 27 lower income units); allow and encourage single and small unit room rentals; promote and incentivize affordable housing on religious facility sites; promote and incentivize affordable housing for teachers; and consider more protections for renters to prevent and minimize displacement and encourage additional efforts to obtain more input from Pinole's diverse population.

Mr. Wery detailed the Housing Element Update recommendations/opportunities in response to each of the Planning Commission recommendations as outlined in the PowerPoint presentation and which included: updated site maps; an inventory and sites chapter to reflect the addition of the Kmart site; encouraging Accessory Dwelling Units (ADUs) and Junior ADUs promotion programs with a tenant-owner matching program; implementing recently adopted state laws such as Assembly Bill (AB) 352, Efficiency Units; allowing Single Occupancy Room (SRO) units in five zones; implementing recently adopted state laws such as AB 1851 and AB 2244 related to modifying and reducing parking requirements; and consider allowing multifamily housing on religious institution sites where not currently allowed.

Also, considering the addition of teachers to funding priority policy with Extremely Low and Disabled; adding teachers to the owner-tenant matching program for seniors; allowing employee and faculty housing on school sites; adding first right of refusal/option to purchase; advancing notification and relocation assistance; considering a just cause eviction ordinance; recognizing the City had recently adopted its new Communication & Engagement Plan; and considering that the City should specifically include community-based organizations with all Housing Element program education and engagement efforts, along with goals for increased participation among diverse communities, monitoring and adjustment.

Tables depicting the RHNA allocations for the specific income categories including Extremely Low, Very Low, Low, Moderate and Above Moderate Incomes; the Draft RHNA Strategy; Draft RHNA Strategy Revisions (based on the recent approval of the redevelopment of the former Kmart site); and Draft RHNA Strategy – Net Buffer and Draft Housing Sites Inventory Revisions were also highlighted.

Mr. Wery also provided an overview of the Housing Element Plan: Goals, Policies and Actions. The Draft Housing Element Goals included housing production and adequate sites to meet the RHNA; housing to meet the needs of all income levels and special needs groups; removal of governmental constraints; conserve, preserve and improve the existing housing stock; Affirmatively Furthering Fair Housing (AFFH); and housing education and community outreach. Housing Production Programs included a provision of adequate sites and site inventory monitoring; publicizing and promoting residential sites inventory; outreach and technical assistance to applicants and facilitating ADU production along with incentives for Mixed-Use development; development of Housing Successor's Low and Moderate Income Housing Asset Fund Policy; affordable housing incentives; housing for Extremely Low Income households and persons with disabilities; senior housing incentives and home sharing and tenant matching.

Mr. Wery also highlighted and provided details at length for Programs 4: Facilitate ADU Production; Program 8: Housing for Extremely Low-Income Households and Persons with Disabilities; Program 9: Senior Housing Incentives; Program 11: Zoning Amendments; Program 19: Fair Housing Resources and Services and Program 21: Housing Resources and Education.

The Constraint Removal Programs included zoning amendments, objective design standards and Senate Bill (SB) 35 streamlining, fee evaluation and publicization and permit streamlining with examples provided. Conserve, Preserve and Improve the Housing Stock included programs on rehabilitation assistance, acquisition and rehabilitation properties and Below Market rate regulations and conversions. AFFH programs included place-based improvements, fair housing resources and services and displacement prevention/housing mobility. Housing Education and Community Outreach included programs on housing resources and education, ADUs and Junior ADUs (JADUs) and SB 9 education and promotion. Examples were provided for all of the programs detailed in the Draft Housing Element.

Mr. Wery also provided an update on the Safety Element which included new topics such as climate resiliency, evacuation, drought, dam inundation, impact of tsunamis, and emergency preparedness; Vulnerability Assessment Study conducted pursuant to Senate Bill (SB) 379; Evacuation Routes Study conducted pursuant to AB 747, and with the anticipated timeline for public review in February and City Council adoption in May 2023. The Health and Environmental Justice Element would address equity in the areas of access, environment, civic engagement and generations with the draft currently under internal staff review and with public review in February and City Council adoption in May 2023.

In terms of the next steps, Mr. Wery advised that comments from the public would continue to be accepted through November 17, 2022 pursuant to the 30-day public comment period. All comments would be assessed and any appropriate changes to the Draft Housing Element would be made prior to submittal to HCD, which would have 90-days to review the document. During HCD review, the consultants would continue to review, define and refine the ideas.

Mr. Wery also highlighted the project schedule with a review of any comments from HCD around February-March 2023; Planning Commission review and recommendation to the City Council for its review and adoption in April 2023; and submittal of an adopted Housing Element to HCD in May 2023. He welcomed comments and questions from the City Council and the public.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, reported as a member of the Planning Commission he had the opportunity to ask questions and provide feedback, some of which had been incorporated into the Draft Housing Element, although a key issue remained that had not been resolved. He asked how likely it would be for the City to reach the Very Low Income category requirements based on prior projects. He referred to the former Kmart property, which had around 17 Low Income units and another project that was a 100 percent affordable senior project that also included Low Income units. He referred to the fact the City may project its site availability for Very Low Income households based on theoretical capacity where the practical implementation was not there unless the City modified its Inclusionary Housing Ordinance to require Very Low Income housing or a split between Low and Moderate Income households. He was uncertain the number of Very Low RHNA sites was actually a valid number and asked how it would be justified to the state or how it would work in practice. If it did not work out in this Housing Element cycle, it meant that more zoning would be required to provide more sites. He was not worried the City would not be able to meet its Moderate RHNA but again he remained concerned the City would not reach the Very Low Income requirement and more clarity was needed prior to submittal to the state.

PUBLIC COMMENTS CLOSED

Council member Toms clarified with Mr. Wery the timeline for HCD review and the dates for City Council and Planning Commission review to adopt and certify the Housing Element. She noted it was possible HCD could provide comments on the Housing Element faster than the 90-day period but generally HCD used the entire 90-day review period.

Mr. Wery clarified the statutory deadline for submitting the Housing Element was January 31, 2023. The idea was to have the document adopted before that date to allow the City some protection. He suggested the Housing Element be adopted prior to the statutory deadline and if revisions were needed adoption could occur afterward. He added there was a 120-day grace period that would take the City to May 2023 but that would only help if the City needed to rezone. If the Housing Element was certified in that 120-day grace period, the City would have a full three years to consider rezoning to meet the required RHNA. If not, and if the City had to rezone, the City would have only one year from the statutory deadline of January 31, 2023. While the approach was conservative, it had been documented that the City was compliant with all state housing laws and once starting the adoption process, the clock would start on the implementation of the programs which was another positive approach for HCD.

Council member Toms referenced Page 5 of the Draft Housing Element, which included housing production numbers for 2021, and asked whether any of the projects in the pipeline had building permits issued between December 2021 and the end of 2022 that could count towards the 5th Cycle Housing Element.

Mr. Wery clarified that anything that had not received a Certificate of Occupancy as of June 30, 2022 counted towards the RHNA for the 6th Cycle Housing Element even if approved years ago and had already been counted as part of the 5th Cycle Housing Element since it had been approved then with the state acknowledging that overlap period.

City Manager Murray explained that in past rounds of Housing Element Updates there had been a grace period the state had provided but staff was uncertain that grace period would be observed this round. The schedule for the Housing Element Update process had assumed the City would have that grace period.

The Planning Commission had already provided input. The Draft Housing Element would be submitted to HCD as soon as staff could incorporate input from the City Council from this meeting, which would then trigger the 90-day review period for HCD. Staff wanted to meet the statutory requirement of submitting an adopted Housing Element by January 31, 2023, and intended to do that if the City heard back from HCD in time to incorporate its comments and submit the Draft Housing Element in time for approval to meet the January 31 deadline. Staff felt strongly the Housing Element would meet HCD standards but if significant changes were requested to be made the document it could be reviewed and resubmitted to HCD.

Mayor Pro Tem Murphy thanked all staff for preparing the draft document and spoke to the community engagement process the City staff had provided thus far. He encouraged staff to reach out and obtain feedback from Housing and Urban Development (HUD) recognized tenant associations, tenant rights groups and support services such as Pinole Grove Tenant Association, Central Legal de Raza, Bay Area Legal Aid, Contra Costa Senior Legal Services and the Northern California Land Trust. He also asked for a broader conversation on science-based planning and mitigation strategies, particularly related to sea level rise, and asked how the current Housing Element had reflected that topic, and Mr. Wery advised that would be added to the Health and Safety Element as opposed to the Housing Element and would work together with the CAP.

Mayor Pro Tem Murphy asked about cross departmental collaboration and whether any actions had been identified when building out the Housing Element to reach the RHNA, to which Mr. Wery explained that few constraints had been found in that the City had been doing a great job overall and he had no recommendations of interdepartmental collaborations at this time, although some cities had coordinated departments up front during the early review of the processes and provided good information up front to ensure applicants had a good and broad perspective of all things that would need to be addressed as they moved forward with a development application. He found the City's approval process to be very efficient compared to most jurisdictions.

City Manager Murray explained that based on how the City programs were structured, many of the City staff functions that would be required to implement the Housing Element would be in the Community Development Department, but there were opportunities to work across departments with cross departmental coordination to carry out the entire Housing Element.

Community Development Director Whalen stated the implementation section of the Housing Element had identified the implementing and supporting agencies.

Mayor Pro Tem Murphy asked for clarification of fair and inclusive zoning policies and the origination of single-family zoning and his understanding that much of Pinole had been zoned single family. He asked how the Housing Element would be fair and inclusive to everyone, in particular to Black, indigenous and other people of color.

Mr. Wery explained that the AFFH Chapter in the Housing Element included a variety of tables, charts and analyses to address that issue and was one of the key focuses for HCD which wanted to see the legacy patterns of racial segregation through zoning be addressed and overcome, which would be done through a distribution of sites for Low Income households that would not be concentrated in areas that had traditionally been segregated and had high concentrations of poverty or race and ethnicity. The sites had been well distributed throughout the Town. He added the City had built a lot of Low Income households in good areas that offered new opportunities.

If there were areas that were underserved or historically had not had the same benefits, amenities and services as other areas of the City, HCD wanted to see that corrected. The Housing Element had identified recent and planned improvements throughout the City, particularly in older and underserved areas of the City. Also, ADUs could go anywhere in the single-family areas which also helped since ADUs were relatively affordable based on their size and could be accessed in higher opportunity areas.

Mayor Pro Tem Murphy understood that Pinole's approach was to consider fee waivers around ADUs. He asked whether the suggestion was that the ADU program was a way to incentivize or subsidize housing for the targeted communities that had been discussed.

Mr. Wery commented that single-family zoning was relatively recent and was where growth had occurred in the 1950s and 1990s. New development with all of the amenities was more expensive, which was where the place-based improvements would come into play. The areas that were segregated or disadvantaged were getting improvements to raise the quality of life for those residents and ADUs were a choice option. There were a variety of different ways to promote and facilitate ADUs as a way to increase accessibility to other areas of the City.

Mayor Pro Tem Murphy looked forward to the Health and Safety Element in terms of risk reduction to existing housing and addressing the issues of sea level rise. He also looked forward to that conversation and conducting an assessment of housing units in neighborhoods in Very High Fire Hazard Severity Zones and how to create retrofit programs to address that as well as thinking of ways to work with public and private land owners to decrease the possibility of flooding. He asked for a follow up on research on car ownership for Moderate and Low Income households, which would be helpful around the conversations related to parking and assumptions that Low and Moderate Income households did not own cars. He sought more data and future conversations about that issue.

Mayor Pro Tem Murphy also commented that the Environmental Protection Agency (EPA) had identified a particular piece of Pinole as a disadvantaged community, which impacted around 300 households and having additional statistics on that would be helpful.

Mr. Wery also provided an overview of the Vulnerability Assessment MBI was preparing as part of the Safety Element, which contained two requirements by law and which would look at a variety of different constraints such as fire, sea level rise, earthquake, flooding, dam inundation and an Evacuation Route Capacity Analysis to identify risk factors and how to exit the City in the event of a needed evacuation. A separate presentation had been planned in the future with more detail on the various components of the risk factors and vulnerabilities.

Council member Martinez-Rubin thanked the Planning Commission for its diligent work and the consultants and staff for the comprehensive update. She asked how updates would occur to what was currently being updated in the Housing Element and was informed by Mr. Wery there had been an incredible amount of legislative updates on housing over the past few years, more was expected, some would not take effect until next summer, but there would always be laws that would require amendments to the City's Zoning Ordinance or the PMC to reflect the new requirements. The Housing Element was trying to catch what was current, so it would never be perfect given the ever-changing legislation. The intent was to set the City up for success for the next eight years, but the City had the option to update the General Plan at any time if something substantial was required.

Council member Martinez-Rubin commented on the number of programs proposed in the next eight years of the Housing Element and asked whether the City Council was being asked to support those programs with staff to prepare a timeline to address those program ideas.

Mr. Wery commented that each of the 22 programs included a variety of components, as described in the Draft Housing Element, and it would be a good idea to prepare a calendar, sort them and identify priorities since some tasks would be easier to accomplish than others given the required resources. Each program included timelines with the intent to be very specific, which HCD wanted to see. He reiterated the City had a strong Housing Element, some of the programs were specific, some had an incentive program, and some were a bit more aspirational and flexible. The Housing Element would set a menu to pursue tenant displacement programs with goals and funding, with flexibility to adopt the program after the Housing Element had been adopted.

Community Development Director Whalen added the Community Development Department would prepare its annual work plan and plan out the activities for the upcoming fiscal year and recommend budget allocations as needed.

Council member Martinez-Rubin asked about the home match program and asked if that was an example where staff involvement would be minimal as compared to establishing a new program, and Mr. Wery explained that some of the programs may dovetail and build off of other programs and the City could coordinate resources within Contra Costa County.

Council member Martinez-Rubin clarified with Mr. Wery that ADUs would be counted towards the RHNA and the projections for the Housing Element had been based on a study done by the Association of Bay Area Governments (ABAG), which had evaluated who had actually been living and renting ADUs, and had found that ADUs were being occupied by Very Low, Low and Moderate Income households, with some Above Moderate households. HCD acknowledged that study and accepted that distribution for the Bay Area. The City could build its own data by tracking ADUs locally. Absent that everyone was relying on the ABAG study.

Council member Martinez-Rubin spoke to the residential sites inventory and asked if that was public, or public and private properties in Pinole, and Mr. Wery stated the properties were primarily private with most of the land privately owned with the exception of rights-of-way (ROWs) and parks with under-utilized and vacant properties most likely to be developed in the future.

Council member Martinez-Rubin asked about the communication between City staff and the property owners on the possibility of building future housing, to which Mr. Wery explained that the sites inventory being recommended had been mapped, included the address, Assessor's Parcel Map number, and had been included in all drafts and was public information. Staff had not contacted any of the property owners who were not obligated to develop. If a property owner did not want to develop that was the reason for the buffer so that the City maintained enough adequate sites to meet the RHNA for the eight-year period of the Housing Element. If some sites underperformed, the buffer provided a backup. He emphasized the City was in a good position, was ahead of the curve and was in good shape. He suggested the residential sites inventory was healthy with the buffer and more sites could be added, if needed.

Council member Tave commented that the City of Pinole had low numbers in terms of homelessness as compared to the County and he asked whether that had been considered in the calculations for Very Low Income units in terms of how the RHNA had been assessed.

Mr. Wery explained that there was an entire report on how the RHNA had been developed, which report offered great detail, was formulaic and looked at transit, employment and land. Most jurisdictions' RHNA had increased with the intent for the housing to be placed where it would be affordable in terms of employment, services and transit.

Council member Tave asked that the report referenced be provided to the City Council to better explain how the RHNA had been calculated and offer a better understanding of the distribution of the different income categories for the different jurisdictions, and Mr. Wery clarified that the entire region used the same formula so that everyone had a fair and rational basis for the RHNA.

Mayor Salimi commented that as new development was being built in the community, the City would be using infrastructure that was years old such as the water supply. When adding new units, he asked whether there would be sufficient resources to provide to new citizens.

Mr. Wery reported that staff had discussed whether there were real known constraints when identifying the potential sites, and while the infrastructure may be old, it was available, and if there was a deficiency it would fall under the City's infrastructure planning such as the CIP, which would be reviewed by City Departments independent of the Housing Element. He explained that the perspective of the state in terms of the Housing Element was if the City identified a water supply issue, as an example, that was not a valid reason not to meet the RHNA but for the City to invest in its water supply. Staff had not identified an eminent restriction in the Housing Element related to the water supply. He reiterated if there was a limitation, the obligation would be on the City to provide that adequate supply and it was a requirement of state law for the City to have a commitment from the water service providers to provide priority to affordable housing projects.

Mayor Pro Tem Murphy clarified with Mr. Wery that some of the Planning Commission recommendations had been incorporated into the Draft Housing Element and some had not. As indicated in the PowerPoint presentation, those Planning Commission recommendations that had been shown as "considered" should be discussed by the City Council with direction provided. The recommendations could be incorporated into the Draft Housing Element or staff could defer until comments had been received from HCD to see if the recommendations were actually needed.

Mr. Wery again walked through the Planning Commission recommendations, as earlier described. For those items where staff had identified the recommendations as "consider" he clarified as an example, allowing multifamily housing on religious institution sites was allowed with multifamily and religious institutions permitted in the same zones, with the exception of two zones where they were not allowed in the same area, which included the OP-Mixed-Use and OI-Mixed Use Zones and which the City Council could work on independently of this effort.

The recommendations to consider incentivizing housing for teachers and adding teachers to funding priority policy for Extremely Low and Disabled; adding teachers to the owner-tenant matching program for seniors; allowing employee, faculty housing on school sites; could easily be worked into the existing programs by adding in teachers to the list of priority targets.

Mayor Pro Tem Murphy suggested the Planning Commission recommendations would benefit the community and advance housing overall. He asked why the City would not include those recommendations, and Mr. Wery deferred to staff and stated they were doable and useful programs to consider. A lot of cities were considering similar programs and those programs could be incorporated into the Draft Housing Element if recommended by the City Council.

Community Development Director Whalen noted the Planning Commission recommendations were general recommendations. MBI had considered ways the City Council could consider fulfilling some of them and while some of the recommendations could be incorporated into the Housing Element, as appropriate, others could be deferred to allow staff the opportunity to determine how they could be incorporated into the City's overall strategy.

City Manager Murray suggested the Planning Commission recommendations were high-level concepts that had not received the same level of vetting as other program elements of the Draft Housing Element and it made sense for staff to vet them and make recommendations. He agreed that the programs identified to incentivize housing for teachers would be easy to implement whereas he was uncertain whether teachers were on the same tier as other communities that had struggled to obtain fair housing. He recommended MBI and staff be allowed to return with the pros and cons for the Planning Commission recommendations, which could come back to the City Council when considering the adoption of the Housing Element in January.

Community Development Director Whalen agreed and suggested the recommendations could also be vetted with the Planning Commission in December when the Draft Housing Element returned to the Commission to recommend approval to the City Council in January.

In response to Council member Toms, City Manager Murray explained that if the Planning Commission recommendations were included in the Draft Housing Element, the City could not easily walk back the recommendations. A better strategy would be to pursue what staff had determined to be a compelling and thorough Housing Element, and if upon further analysis more items were added HCD could not object since it would only strengthen the program.

In terms of how a commitment was considered by HCD, City Manager Murray clarified the Housing Element was essentially an agreement between the City and HCD about things the City would do to advance housing opportunities, and if the programs under discussion were included at this time, the expectation was the City would provide those programs. If there were any reservations as to any of the programs, they should not be included in the Draft Housing Element at this time. Rather, staff should be allowed the opportunity to have more time to vet the Planning Commission recommendations as staff had suggested.

ACTION: Motion by Council members Toms/Martinez-Rubin to authorize Staff to Submit the Draft Housing Element to the State Department of Housing and Community Development for the initial 90-day review.

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

Mayor Salimi referenced a recent article he had read about average teacher salaries and the average housing prices in the San Francisco Bay Area that included statistics from the 1950s as compared to the present, and where the purchasing power of a teacher had decreased significantly within that 50-year period.

12. NEW BUSINESS

A. Receive Information Regarding Potential Sister City Arrangements and Provide Direction **[Action: Receive Report and Provide Direction (Rogers)]**

Community Services Director Rogers provided a PowerPoint presentation on the City Council request for a future agenda item to discuss the development of a Sister City Program, with the City Council having been approached about partnering with a city in Ukraine and a city in France. He provided an introduction and overview of a Sister City arrangement in which two cities usually located in different countries established a formalized relationship to exchange ideas, collaborate for mutual culture, possible economic advancement and to promote peace through people-to-people relationships. He also provided an overview of the initiation of Sister City International and highlighted the Sister City Program; how Sister City relationships may develop and with Sister Cities built around cultural exchanges, youth and education, community development and business and trade. Sister City service opportunities were also highlighted.

Community Services Director Rogers asked the City Council to provide feedback and guidance on potential Sister City arrangements.

Mayor Salimi reported he had recently met with government officials from Kiev, Ukraine who wanted to thank the City of Pinole for its recent proclamation and the City had also received correspondence from the General Consul of Ukraine in San Francisco. He had also been in contact with the General Consul of France in San Francisco who was working on potential Sister City partnerships. He suggested a Sister City relationship would be a great opportunity for the City of Pinole.

Council member Tave was open to exploring a Sister City relationship and wanted more information on what a Sister City expected from the City of Pinole.

Council member Martinez-Rubin suggested given Ukraine was in flux it should be allowed to settle a bit and then the City Council could hear from Ukraine about its expectations. She also clarified with the Mayor that the Mayor and the City Manager had met with the General Consul of Ukraine in San Francisco, the Governor of Kiev, and the Mayor of the City of Borodianka, Ukraine.

Council member Martinez-Rubin highlighted her experience as the Assistant Director of a California-Mexico Health Initiative that had been under the auspices of the Office of the President of the University of California system, at which time she had learned as an administrator there were expectations from people from other counties that were not at the same level of authority or power. She detailed some of the challenges faced and while not minimizing or under-appreciating the City of Pinole, recognized the City had limitations on what it could provide. Before anything was done, she wanted to know what was expected from the City.

Mayor Salimi understood that Borodianka, Ukraine was of a similar size to the City of Pinole and the expectation from the community would be different during wartime than after the country had been liberated and which would involve building relationships. He reported that certain items had been identified as needed and he recognized the City of Pinole could not provide those items. The list of needed items had been forwarded to the Contra Costa County Board of Supervisors and he had also contacted Supervisor John Gioia.

Council member Martinez-Rubin pointed out that if food items were being sought, as an example, the Contra Costa and Solano Food Bank was already challenged to provide adequate amounts to feed people in Contra Costa County, and it had to be considered what Pinole could realistically offer to Ukraine. In the interest of creating friendship and offering that support, the City of Borodianka had to understand what was expected of Pinole and whether it could continue to provide that support. She recognized the General Consul of Ukraine was pleased with Pinole's level of involvement and the Mayor's interest in providing assistance, and she had personally expressed an interest in creating that kind of friendship as a form of moral support. But when it came to formalizing that support, the City Council's limitations needed to be explored to determine how that support would actually occur.

Mayor Pro Tem Murphy thanked staff for the presentation and the Mayor for driving the conversation. He found it was a great idea but had not yet been flushed out, with community engagement needed. He was intrigued with how a Sister City could be selected and wanted to know how the City could develop a community planning process to support the establishment of a Sister City relationship and adopt policies to support the initiative. He was uncertain whether a Sister City was in the General Plan and if not whether it should be incorporated. He was also interested in how to support cities in Ukraine given the urgency of the matter and a community planning process could prioritize which Sister City could be engaged.

Mayor Pro Tem Murphy suggested as part of land acknowledgement, it was important to build that relationship locally with a Native American tribe or one across the globe, and he looked forward to elevating that conversation as well. He added the Balancing Act Tool, which had been used to engage the public on the use of American Rescue Plan Act (ARPA) funds, could be considered to allow the public to have the opportunity to select a city or cities or consider a public survey where the public could vote on a potential Sister City. In addition, he recommended this item should be considered by the Community Services Commission as a way to develop timelines, a planning process, and a policy for the initiative and it would be a great opportunity to discuss the cultural diversity of the City and what community service meant globally.

Mayor Salimi advised the consular services for each country had suggested to the City of Pinole which city to consider based on size and requirements but he was uncertain of the tool used to make that selection. He understood the City needed to take time but he wanted to help people in need during wartime.

Council member Toms suggested a cultural relationship as a Sister City was a nice idea for Pinole, but she questioned who would be responsible for cultivating that relationship and keeping it alive. In 1993 when Pinole had a Sister City relationship with the Hoopa Tribe, the Mayor at that time had been responsible and while that Sister City relationship had been strong for a few years it had declined. Since that Sister City had previously been established, perhaps the City could see if that relationship could be revived. She also wanted to recognize the work the Mayor had done in contacting people in Ukraine and liked the idea of forwarding the recommendation to the Community Services Commission to get feedback on what a Sister City relationship meant. She suggested that fundraising efforts for Ukraine during wartime was a possibility for some local organizations but may be limited and she was uncertain what kind of assistance the City could provide at this time. She also suggested the purview for the program needed to be clarified whether under the Mayor's Office or the Community Services Commission.

Council member Martinez-Rubin suggested working with an existing body, such as the Community Services Commission, would be fitting but to what level of interest could be pursued remained to be determined. The West Contra Costa Unified School District (WCCUSD) had an active group of parents who hosted international students and that could be an option to enhance what was already in Pinole, with the added element of reaching out internationally.

Mayor Salimi reported he had reached out to the Superintendent of the WCCUSD and hoped to discuss the Sister City Program.

Council member Tave wanted to know what cities had successful Sister City relationships and what steps had been taken to carry on the program. He liked the idea and while the City had a Sister City arrangement in the past, if proceeding community involvement would be important and more research would be needed.

Mayor Pro Tem Murphy offered a motion, seconded by Council member Tave that staff through the consultation of, and with the recommendations from, the Community Services Commission develop a community-wide planning process to support the establishment of a Sister City Relationship Policy and adopt policies or actions to support that initiative and prioritize the relationship.

On the motion, Council member Toms commented the City Council was assuming the Community Services Commission wanted to move forward although it had yet to be provided input.

Mayor Pro Tem Murphy recognized the Community Services Commission may not support this initiative but regardless he wanted feedback from that Commission.

Mayor Salimi hoped the process could start with the Ukrainian city of Borodianka now given the wartime conditions prior to it going to the Community Services Commission and given that time was of the essence.

Council member Toms suggested the motion be amended to reflect a Sister City had already been selected for Ukraine.

Mayor Pro Tem Murphy recognized that Ukraine was in the middle of a war but many countries had been at war for decades and he did not want to lose the opportunity to educate the community around the Sister City initiatives, relationships or buy-in from the public.

Council member Toms commented that a lot of the work had already been done by the Mayor. After his term ended, another City leader would have to pick up and do that work and it should not be left up to staff to do that work. She was uncertain whether the next Mayor would take on that responsibility with another foreign government when that work had already been done by the current Mayor.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, referenced the November 15, 2022 staff report which detailed the items the City of Borodianka, Ukraine could use including temporary shelters and personal protection equipment. He suggested not all options to provide direct aid were out of range for the City of Pinole given its resources as a city.

Mr. Menis suggested that setting aside all potential sources of humanitarian aid was not out of the budgetary range to start the discussion and he suggested the City should be able to calibrate an appropriate level of expenditure and work from there. It was also worthwhile to recognize the work the Mayor had done to speak to his Ukrainian counterparts and other high level officials in Ukraine, to identify cities that were relatively speaking a match for the City of Pinole. He stated it would be beneficial to have a broader policy to identify what the City was looking for in a Sister City relationship, stated the community had indicated its support for Ukraine with the recent proclamation, and Ukraine was willing to work with Pinole to select a city and to pursue the necessary ties and communication links to establish a relationship.

Mr. Menis suggested the motion on the floor should be amended to adopt the Sister City of Borodianka, Ukraine before the Community Services Commission started the process and identify the level of resources the City of Pinole could feasibly contribute towards humanitarian aid, if any.

PUBLIC COMMENTS CLOSED

Mayor Pro Tem Murphy retracted his motion.

Council member Martinez-Rubin suggested less formal direction and recommended the Community Services Commission consider an item on its next meeting agenda to discuss Potential Sister City Arrangements and come back to the City Council with feedback.

Mayor Salimi again had hoped the City Council would make a motion to enter into a Sister City agreement with Borodianka, Ukraine, and requested that staff return to the City Council on the next step. Once the next step was known the City could determine who would do what. He offered a motion to that effect.

Council member Toms asked for clarification whether the motion was to direct staff to enter into an agreement with Borodianka, Ukraine or move forward to explore the possibility, and Mayor Salimi explained he would like to authorize staff to move forward and explore what it would take to enter into a Sister City agreement and return to the City Council with that information.

With that clarification, Council member Toms seconded the motion.

Council member Martinez-Rubin requested a report back to the City Council about what staff had discovered. She did not want staff to spend a tremendous amount of time on something that required more dedicated time and she did not want staff time taken away from current projects.

City Manager Murray commented that a Sister City arrangement could take on many dimensions, it could be quite complex or simple and he sought direction from the City Council on the scope of the Sister City relationship. Based on the motion made, it could be done but how he approached the motion would be to approach the Ukrainian counterparts and ask what they thought it would look like and staff would return with options. He pointed out staff would not be able to get far before needing specific direction from the City Council. He interpreted the motion as direction to staff to explore specifics of a Sister City arrangement with Borodianka, Ukraine.

Council member Toms suggested the exploration would be for cultural purposes not for financial purposes, which could narrow the scope and City Manager Murray confirmed that would narrow the scope and staff could find out the interest and variety of a cultural exchange.

Mayor Salimi recommended instead that the Ukrainian counterparts simply be asked what they wanted and the City of Pinole could narrow down what it could do. He restated his motion for the City Council to direct staff to explore a Sister City agreement with Borodianka, Ukraine and direct staff to return with a list of items required and how the City of Pinole could move forward.

Council member Toms had seconded the initial motion but suggested it should be narrowed to cultural and not financial interests given the big ticket items identified in the staff report, although Mayor Salimi stated those items were not expected to be provided by the City of Pinole and the Board of Supervisors or other entities could be contacted to request assistance.

Mayor Pro Tem Murphy read into the record specific sections of the PMC and the duties of the Community Services Commission. He wanted the Community Services Commission to be part of this initiative and emphasized the number of unanswered questions around a great idea. In terms of energy storage, he suggested there could be opportunities with MCE and building a global program. As much as he liked the idea and understood the sense of urgency, without a plan there were challenges. As the incoming Mayor, he would be more than happy to continue the partnership the Mayor had started and again suggested this was a forum for the Community Services Commission, which could be part of other future opportunities.

City Manager Murray suggested it was within the City Council's authority to send an item or task to a relevant City Commission, and in this case to task the Community Services Commission to flesh out the idea and obtain community input.

Mayor Salimi suggested it could go to the Community Services Commission once there was a better understanding of what the Ukrainian counterparts wanted. He again restated his motion to provide staff direction to reach out to the Ukrainian government to find out what was required to enter into a Sister City agreement with Borodianka, Ukraine and return to the City Council. Once the City Council had direction, it could direct the Community Services Commission to move forward or do something else.

Council member Tave asked whether City staff could work with the Ukrainian government and reach out to the Community Services Commission and come back to the City Council with more content. He did not want to place unrealistic expectations and he asked that to be part of the motion.

Mayor Salimi further restated his motion to provide staff direction to reach out to the Ukrainian government to find out what was required to enter into a Sister City agreement with Borodianka, Ukraine and get back to both the City Council and the Community Services Commission.

City Manager Murray understood the Community Services Commission aspect was to engage the Community Services Commission in the development of a policy regarding Sister City arrangements that had a substantial community engagement component.

Council member Tave seconded the motion.

On the motion, Council member Martinez-Rubin suggested the City get a pulse as to the extent of the involvement of the Community Services Commission and interest in doing something the City Council had given them as a task to consider and how they would dedicate their time to that new task. A subcommittee of that Commission may be necessary but was currently unknown.

Council member Martinez-Rubin added that the discussions and interactions between government officials could stir expectations and she did not want Ukrainian officials to offer a list of things that the City of Pinole could not provide.

ACTION: Motion by Mayor Salimi/Council member Tave to provide staff direction to reach out to the Ukrainian government to find out what was required to enter into a Sister City agreement with Borodianka, Ukraine, and return to the City Council and to the Community Services Commission at the same time.

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

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

14. ADJOURNMENT to the Regular City Council Meeting of December 6, 2022 in Remembrance of Amber Swartz and Stanley Casher.

At 10:22 p.m., Mayor Salimi adjourned the meeting to the Regular City Council Meeting of December 6, 2022 in Remembrance of Amber Swartz and Stanley Casher.

Submitted by:

Heather Bell, CMC
City Clerk

Approved by City Council:

Council member Martinez-Rubin added that the discussions and interactions between government officials could stir expectations and she did not want Ukrainian officials to offer a list of things that the City of Pinole could not provide.

ACTION: Motion by Mayor Salimi/Council member Tave to provide staff direction to reach out to the Ukrainian government to find out what was required to enter into a Sister City agreement with Borodianka, Ukraine, and return to the City Council and to the Community Services Commission at the same time.

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

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

14. ADJOURNMENT to the Regular City Council Meeting of December 6, 2022 in Remembrance of Amber Swartz and Stanley Casher.

At 10:22 p.m., Mayor Salimi adjourned the meeting to the Regular City Council Meeting of December 6, 2022 in Remembrance of Amber Swartz and Stanley Casher.

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council: December 6, 2022

