

**CITY COUNCIL MEETING
MINUTES
May 2, 2023**

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 Murphy called the Regular Meeting of the City Council to order at 5:04 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

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

B. STAFF PRESENT

Andrew Murray, City Manager
Eric Casher, City Attorney
Heather Bell, City Clerk
Sanjay Mishra, Public Works Director
Lilly Whalen, Community Development Director
Jeremy Rogers, Community Services Director
Markisha Guillory, Finance Director
Kapil Amin, Sustainability Fellow
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on Thursday, April 27, 2023 at 4:00 p.m. with all legally required written notices. Written comments had been received in advance of the meeting, posted to the agenda page of the City's website, distributed to the City Council and copies made available in the Council Chambers.

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

4. CONVENE TO A CLOSED SESSION

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

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Gov. Code § 54957

Title: City Manager

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, commented that over the past year the City Manager had done a great job with the transition from the pandemic to a more endemic state, opening City Hall more fully, scheduling more public events and hiring new staff to support the overall departmental transition and counter some of the institutional knowledge lost over the past five years. He also suggested the City Manager had done a lot to institute the City Council's desired directives and ensure they were carried out through the departmental functions and was willing to push back on the City Council, when appropriate, when asking staff to do too much. It was the correct thing for the City Manager to do in his role as the head of City staff and worthy of praise and note by the City Council.

PUBLIC COMMENTS CLOSED

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

At 6:49 p.m., Mayor Murphy reconvened the meeting into open session. 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.

Teresa Teller, Pinole, detailed her personal life experiences after having been diagnosed with Schizoaffective Disorder and as a public speaker sharing her recovery story. She had appeared live on KCBS (San Francisco, CA) and KSDK (St. Louis, MO) and detailed her musical skills and musical degree from the University of Notre Dame and her partnership with the National Alliance of Mental Illness Affiliate where she had shared her experiences with mental illness. As a composer of music, she had created an original melody depicting the phases of her recovery, titled Tuning out Stigma, which she planned to perform at an event free and open to the public at Our Savior Lutheran Church on May 20, 2023 at 11:00 a.m. She also planned to attend the May 16, 2023 City Council meeting at which time a proclamation on mental health awareness would be presented.

Rafael Menis, Pinole, updated the City Council on the current COVID-19 case rate for the City of Pinole, which was now at a rate where wearing masks indoors would be recommended. He emphasized that COVID-19 was not completely gone, there was currently an endemic phase and he urged everyone to keep informed on the data for COVID-19 with more information available @coronavirus.cchealth.org.

Mayor Murphy moved onto Item 8 at this time.

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Honoring Postman Chui

The City Council read into the record a proclamation honoring United States Postal Service (USPS) Postman Lawrence Chui on his retirement after 42-years with the USPS, with the proclamation to be presented to Mr. Chui.

2. Municipal Clerk's Week

The City Council read into the record a proclamation recognizing April 30 through May 6, 2023 as Professional Municipal Clerk's Week.

3. Public Works Month

The City Council read into the record a proclamation recognizing May 21 through May 27, 2023 as National Public Works Week and the month of May as Public Works Month.

Public Works Director Sanjay Mishra thanked the City Council for the proclamation and commented that while small the Public Works Department team provided awesome operations and maintenance.

4. Public Service Employee Recognition Week

The City Council read into the record a proclamation recognizing May 7 through May 13, 2023 as Public Service Employee Recognition Week.

5. Local and Community History Month

The City Council read into the record a proclamation recognizing the month of May as Local and Community History Month, which proclamation was presented to Council member Martinez-Rubin in recognition of her work to foster history in the City of Pinole.

Council member Martinez-Rubin stated she would share the proclamation with the Pinole Historical Society.

PUBLIC COMMENTS OPENED

City Clerk Bell reported there were no comments from the public.

PUBLIC COMMENTS CLOSED

B. Presentations

1. Earth Day Video

Community Services Director Jeremy Rogers reported the City of Pinole had held a number of activities during the month of April in recognition of Earth Month. He presented a brief video of the community participation in the three-mile Earth Walk in recognition of Earth Day on April 22, 2023. He thanked everyone involved including the public for participating in the event.

Mayor Murphy also thanked everyone involved in the Earth Day activities and thanked Pinole Community Television (PCTV) for the video. He looked forward to activities celebrating Earth Day in 2024.

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

2. Contra Costa Transportation Authority (CCTA)

Tim Haile, Executive Director, Contra Costa Transportation Authority (CCTA), detailed his professional background and career, experience in the private and public sectors and provided a PowerPoint presentation, Connecting Communities, which included an overview of his vision for the future and how CCTA was connecting and supporting local jurisdictions and connected better with the regional transportation systems. As part of Measure J, CCTA collected one half of one percent sales taxes in Contra Costa County, which had raised approximately \$2.7 billion over the life of the measure. Measure J had been passed by the voters in 2004, collection started in 2008, and the Measure would expire in 2034.

Mr. Haile reported that CCTA delivered multiple programs, funded transit, accessible transportation and programs for walking and biking. The projects funded by Measure J were highlighted with CCTA having planned, funded and delivered a number of large capital projects in Contra Costa County throughout the last decade and had delivered around 95 percent of all capital projects in the voter-approved 2004 Expenditure Plan. Given the limited funds in Measure J, CCTA did all it could to leverage Measure J funds to attract additional funds including funds from the Infrastructure Jobs Act. CCTA contracted out about 90 percent of its work and had a great track record in terms of delivering projects on time and on budget in Contra Costa County.

Due to the pandemic and changes in travel patterns, transit, the environment and behavior and in order to address the new changes, during the pandemic CCTA had conducted a Travel Behavior Study that had surveyed 30,000 people in Contra Costa County to better understand behaviors, pre- during and post-pandemic. The survey results were highlighted.

Mr. Haile also highlighted the CCTA adopted Vision Zero Implementation Guide, a toolkit for cities to implement a Vision Zero policy and tools to safely and quickly build projects to address safety concerns.

Vision Zero was intended to provide more dedicated and safer spaces for walking and biking. CCTA was also working to enhance the existing transit network and optimizing it to make it more efficient through an integrated transit plan with transit operators with "Transit First," to be completed at the end of 2024, which would serve as a roadmap for CCTA in terms of how to provide more dedicated space for transit and which would focus on routes of regional significance.

CCTA was also working with all cities in Contra Costa County on a Countywide Safety Through Connected Signal System to ensure a coordinated regional system; Contra Costa Electric Vehicle (EV) Readiness Blueprint "Charge up Contra Costa," which would be leveraged against available federal funding; and "Mobility for All," an Accessible Transportation Strategic Plan that identified transportation needs and gaps.

As to how all of the CCTA work was being memorialized, Mr. Haile explained that the CCTA Countywide Transportation Plan was updated every four to five years and CCTA was in the process of doing an update at this time, which would include extensive public outreach. CCTA documented its goals, vision and strategies with Action Plans developed by the regional committees which included 10 and 20-year financially constrained project lists.

Mr. Haile also highlighted projects of interest in cooperation between CCTA and the Metropolitan Transportation Commission (MTC), which included the I-80 Corridor Assessment that would evaluate the range of options to address congestion, identify operational efficiency projects, and improve transit and carpool operations along the I-80 Corridor to encourage a mode shift and increase vehicle occupancy.

In addition, the San Pablo Dam Road/I-80 Interchange Improvement Project was highlighted with Phase 1 completed in 2017. Phase 2 of the project would replace the existing San Pablo Dam Road/I-80 Interchange and Overcrossing but the project had a shortfall and CCTA was partnering with Caltrans to obtain state funding to close the funding gap.

CCTA was also redefining mobility and owned and operated one of the largest secure autonomous vehicle test beds in the country at the former Concord Naval Weapons Station in the City of Concord and looking at the roadways in terms of dedicated space for other traffic modes and how to leverage technology to make traffic flow better. CCTA had recently launched a Level Four autonomous vehicle (Presto) which was available to the public at the San Ramon City Center and which was planned to be expanded throughout the entire County. CCTA was also working on Dynamic Personal Microtransit, a new mobility option being explored by GoMentum Station for East Contra Costa County, with plans to expand countywide. CCTA was also in the process of identifying an event in the City of Pinole to be held in the summer to discuss new technologies and CCTA planned to have a booth and an autonomous vehicle on-hand.

Responding to questions from the Council, Mr. Haile explained that CCTA had recently provided a presentation to the Iron Horse Trail Advisory Committee on how the mobility options could fit on the Iron Horse Trail, which was a large right-of-way (ROW). He understood the Advisory Committee was interested in a feasibility study to make that corridor a more multi-modal corridor. The Contra Costa Water District (CCWD) was also interested in closing its canals and CCTA was looking into leveraging that ROW for autonomous vehicles. His goal was to move away from pilots and into deployment and getting the technologies out to public use.

Mr. Haile explained that all nine Bay Area Counties had a transportation agency with the exception of one that collected sales taxes for transportation programs. He also clarified that Contra Costa County had been split into four Regional Transportation Planning Committees (RTPCs). The RTPCs coordinated efforts to understand the priorities within each sub-region, identified the projects desired, and made determinations as to the allocation of funds for those projects in a regional approach. The CCTA Board of Directors focused on sub-region equity. He also described the membership makeup of the RTPCs and the CCTA Board of Directors.

Council member Martinez-Rubin announced on the last Sunday of the month of June, the City of Pinole would hold its Classic Car Show. She suggested it would be helpful to make people aware of autonomous vehicles and the work of the CCTA at that time. She recommended Mr. Haile work with the City Manager so that CCTA could have a presence at that event.

Mr. Haile further responded to questions from the Council and explained CCTA had focused on the I-80 Corridor while the local streets were left to the local jurisdictions. The Countywide Transportation Plan (CTP) had identified routes of regional significance, which was where CCTA could help local jurisdictions such as with the San Pablo Avenue Corridor as an example. He emphasized CCTA was there to help the local jurisdictions with federal funding and grant programs and the City of Pinole had recently received a One Bay Area 3 Grant (OBAG). CCTA could take a bigger role in the future by providing more support on the regional arterials and taking on the larger corridors like San Pablo Avenue. If the City had a project that was too big or too complex for the local jurisdiction, CCTA could enter into an agreement with the local jurisdiction and become the city's consultant and help deliver a project. He offered examples of that effort in other jurisdictions.

Mr. Haile reiterated that CCTA had delivered all of the Measure J projects in West Contra Costa County as determined by the region's RTPC, the West Contra Costa Transportation Advisory Committee (WCCTAC). He explained that with the right technology in place in terms of cameras, Light Detection and Ranging (LIDAR) and sensors, data could be provided on the locations and causes of near miss accidents to better understand how to make intersections safer and prioritize problems and funding. CCTA was focused on the future with performance driven methodologies and by having more data better decisions could be made with a more performance-based approach.

Mr. Haile also detailed how the four cities in East Contra Costa County (Antioch, Brentwood, Oakley and Pittsburg) had formed a Memorandum of Understanding (MOU) and had individually split funding for a feasibility study to identify a 28-mile network for a Dynamic Personal Microtransit project in East County. CCTA had found the project to be a good candidate for a public/private partnership and had pursued that possibility. Proposals were due on June 7, 2023 and the project would bring in private equity to build transportation projects that would involve no CCTA funds. The private equity funds would be leveraged to bring in state grants.

Mayor Murphy thanked Mr. Haile for his leadership in Contra Costa County and for fostering diversity, equity and inclusion efforts in CCTA. In terms of transit equity, he emphasized that dignity to ride and drive public transit was important and the dignity to sit at a bus stop with a cover was also important. He envisioned all residents having the opportunity and dignity to sit and be covered at a bus stop in Pinole. He looked forward to working with CCTA.

Mr. Haile reported CCTA was in the process of hiring a Program Manager who would be 100 percent focused on accessibility and equity in the CCTA. He also expressed his appreciation to the exceptional City staff who CCTA had worked with closely and he looked forward to building a better Pinole.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, commented on his understanding that a regional transportation project included the redevelopment of the eastbound on-ramp at Pinole Valley Road to two lanes since the linked lights in the metering system had caused backups off the ramp onto Pinole Valley Road northbound heading to that ramp. The project had been discussed in 2018 and 2020 and he asked the status of that project. He also spoke to the public/private partnerships for mobility projects that had been mentioned and how the private entities may claim the revenue, which was an equity red-flag. He cited a notorious public/private partnership in the City of Chicago where the City sold the rights to parking meters to a private entity over a 20-year period in return for \$50 million up front. The private entity had increased the meter rates to generate enough revenue to pay the cost but the residents of Chicago had to pay more for parking with no recourse. He asked what safeguards were in place for the public/private partnerships to ensure the revenue gains of the private equity companies did not negatively impact those who were less able to afford increases.

Given the time limitations for the presentation and the fact there remained a number of other agenda items, Mayor Murphy asked Mr. Menis to reach out to Mr. Haile for a response to his questions.

PUBLIC COMMENTS CLOSED

3. Mosquito & Vector Control District Services Overview

Community Development Director Lilly Whalen introduced Andrew Pierce, Public Information and Technology Officer, Contra Costa Mosquito & Vector Control District (CCMVCD) who provided a PowerPoint presentation that included an overview of the CCMVCD, a public health agency whose mission was to protect the community from mosquitoes and other vectors of disease. While not part of County government, the CCMVCD provided services for the entire County.

Mr. Pierce highlighted the CCMVCD organization of staff and District Trustees along with the numerous public health services provided to County residents to address mosquitoes, yellow jackets, bees, ticks, rats and mice, skunks and the public education offered to disseminate and communicate public health messages. CCMVCD also addressed neglected swimming pools and accepted anonymous reports and would continue to monitor invasive mosquito species found for the first time in Contra Costa County in 2022, with residents relied upon to locate and report those issues. More information was available on the CCMVCD website and social media platforms including Facebook and Nextdoor.

In response to the Mayor, Mr. Pierce described the process of appointment as a CCMVCD District Trustees, with each Trustee appointed by a city council or by the Contra Costa County Board of Supervisors to serve a two-year term.

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

Mayor Murphy thanked Mr. Pierce for the presentation.

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Murphy recognized Older Americans Month and reported the City would be starting a new Centenarian Program. Anyone in the community celebrating a birthday of 100 years or older would be honored and celebrated through the City's new Centenarian Program by emailing the City's Recreation Department at recreation@ci.pinole.ca.us or making application at the Pinole Senior Center. He reported he had attended a birthday celebration for Pinole resident Sam Campbell who had reached 100 years of age.

Mayor Murphy also reported Marin Clean Energy (MCE) Executive and Technical Committee meetings would be held on May 4, 2023 with the meeting agendas available on the MCE website. He planned to attend the May 4, 2023 Mayors' Conference and he briefed the Council on the agenda items.

B. Mayoral & Council Appointments: None

C. City Council Committee Reports & Communications

Mayor Pro Tem Toms reported that WCCTAC had held its first in-person meeting since the pandemic and she thanked PCTV staff for assisting WestCAT during that meeting. She briefed the City Council on the approval of the Innovative Clean Transit Regulations that required each transit agency to submit zero emission bus roll-out plans, which plans were fluid and could be updated as technology advanced.

Council member Martinez-Rubin reported she and Council member Sasai along with the Assistant City Manager had met to start the discussions of the charge of the City Seal Ad Hoc Subcommittee; she met with the Sales Tax Working Group convened by the League of California Cities which addressed revenue and taxation, and briefed the Council on the discussions; attended and enjoyed the Earth Day/Walk activities; and announced the Pinole Historical Society would commemorate the 200th anniversary of the El Pinole Grant during its May 12, 2023 program at the Pinole Sportsman Club at 201 Pinon Avenue, and detailed the activities planned.

Council member Sasai had met with the Ellerhorst Parent Teacher Association (PTA) and the school principal to discuss safety concerns within the school and pedestrian safety issues on Pinole Valley Road. He reported he would provide a City Hall tour for the students during the month of June. He had also attended the first meeting of the City Seal Ad Hoc Subcommittee and briefed the Council on the discussion.

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

D. Council Requests for Future Agenda Items

ACTION: Motion by Council member Sasai/Mayor Murphy to direct staff to draft a resolution in support of Assembly Constitutional Amendment (ACA-4) which would allow incarcerated persons in the State of California to have the right to vote.

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

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, requested the following future agenda items: invite Kevin Sheridan, Executive Director Valley Link, to provide a presentation on the Valley Link connection to BART; bring back the revisions to the City Council procedures; and provide a presentation on plans for the Port of Oakland as it was recovering from the pandemic.

Rafael Menis, Pinole, requested a proclamation in future years recognizing National Library Week, which occurred April 22 through 27, 2023, and asked that the existing prohibition on eating food in the Council Chambers be repealed, as future agenda items.

PUBLIC COMMENTS CLOSED

E. City Manager Report / Department Staff

City Manager Murray thanked the City Council for its participation and engagement in the April 25 and April 29 Special Meetings and stated the Preliminary Proposed Budget and Capital Improvement Plan (CIP) would be presented to the City Council at the May 16, 2023 meeting.

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

F. City Attorney Report

City Attorney Casher reported the Municipal Code Update Subcommittee had recently met to discuss the City Council Meeting Procedures with the directive to review those procedures to ensure alignment with the applicable sections of the Pinole Municipal Code (PMC). The City Council Meeting Procedures would be brought back to the City Council at a meeting in August in the form of one, possibly two ordinances.

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

9. CONSENT CALENDAR

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

- A. Approve the Minutes of the April 18, 2023 Council meeting.
- B. Receive the April 15, 2023 – April 28 2023 – List of Warrants in the Amount of \$332,880.43 and the April 28, 2023 Payroll in the Amount of \$468,346.17.
- C. Approve Funds to Award On-Call Contract to SKL Solutions to Meet Regulatory Compliance for the Sanitary Sewer Collection System **[Action: Adopt Resolution per Staff Recommendation (Mishra)]**
- D. Letter of Support for Assembly Bill (AB) 1 Regarding Collective Bargaining **[Action: Approve Letter of Support per Staff Recommendation (Murray)]**
- E. Letter of Support for State Transit Funding **[Action: Approve Letter of Support per Staff Recommendation (Mishra)]**
- F. Letter of Opposition for Senate Bill (SB) 423 Regarding Streamlined Housing Approvals **[Action: Approve Letter of Support per Staff Recommendation (Murray)]**

Council member Sasai requested Item 9F be removed from the Consent Calendar for discussion.

Council member Martinez-Rubin requested Item 9A be removed from the Consent Calendar for discussion.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, referenced Item 9C and expressed concern with the cost of the contract over four years for the proposed three task orders and he asked if that level of cost was typical. As to Item 9E, he appreciated the letter in support of state transit funding but the letter included no points on WestCAT and he suggested it would be worthwhile to address the particular financial challenges WestCAT was facing. For Item 9D, he supported the item and urged the City Council to do likewise.

PUBLIC COMMENTS CLOSED

Council member Martinez-Rubin requested the following revisions to Item 9A, the April 18, 2023 meeting minutes: Page 5, the fifth paragraph under the heading Mayoral & Council Appointment, 1. Planning Commission, revised to read:

Council member Martinez-Rubin added there had also been interest for an applicant who had the volunteer and professional experience that would complement the composition and role a Planning Commissioner would have representing the City.

Page 8, the last sentence of the fifth paragraph revised to read:

The public may access the slide decks for the presentations which were available at the calcities.org website.

And Page 10, the first paragraph revised to read:

Council member Martinez-Rubin reported she had received texts about the men's restroom at Pinole Valley Park being locked and asked staff to check into the matter with a report back.

Council member Sasai referenced Item 9F and asked that the item be voted on separately from the rest of the Consent Calendar given that he had received questions from members of the public expressing concern with objective planning standards and how developments built through the Builder's Remedy may affect aesthetics in some parts of the City as well as where development may be built.

Council member Sasai also referenced Page 25 of the text of Senate Bill (SB) 423, as shown in Attachment A to the May 2, 2023 staff report, particularly Lines 8 through 14 that included language which had been stricken, and asked whether it was accurate that only the Builder's Remedy would be able to forego the objective planning standards. He understood SB 423 was a continuation of SB 35 and asked how many units of housing had been built in Pinole since SB 35 had been passed into law.

Community Development Director Whalen explained that the objective standards were part of the Housing Accountability Act (HAA) with cities required to have objective standards for multi-family housing, two or more units. She also clarified there had been no housing units built in Pinole since SB 35 had become law. She also commented that whether there would be any applications submitted as part of SB 35 and its continuance as SB 423 in the future was hard to predict given that a developer needed to pay union wages, which was a high bar for developers and unlikely unless the project was financially feasible.

Council member Sasai stated he planned to vote no on Item 9F. He suggested that opposition to SB 423 had less to do about local control than the housing crisis in the state. He was thankful for the leadership of the past City Council and current leadership who were dedicated to building housing in Pinole for all income levels but suggested SB 423 was not for jurisdictions like Pinole but aimed for jurisdictions in the state that had done all they could to avoid state housing laws and leaving compliance to those jurisdictions that complied with state housing laws. He encouraged his colleagues to also oppose Item 9F.

Mayor Pro Tem Toms stated she was a member of the Housing and Community Development Policy for the League of California Cities. She commented that state legislators had consistently come up with legislation to remove local control over housing, which was not the answer, and the City Council and Planning Commission had overcome some of the NIMBYism issues in the community. She suggested SB 423 was in response to the irresponsibility of certain jurisdictions that had constantly opposed housing, but it was also not the answer. The City of Pinole was possibly at risk of SB 35 projects since it had been late adopting its Housing Element and about 10 percent of all Bay Area cities had adopted their Housing Elements late because of the overabundance of housing legislation that had been tacked onto local jurisdictions where there had to be compliance in an accelerated amount of time.

Mayor Pro Tem Toms suggested the City Council should support the League of California Cities opposition to SB 423 in that while this legislation may be good for the City of San Francisco, as an example, it was not a solution statewide which was why she supported approval of Item 9F.

Council member Sasai referenced data from U.C. Berkeley which had stated in the first four years that SB 35 had been in effect over 18,000 units of housing had been either approved or were in the process of being approved, and three quarters of the units were below market rate. He suggested the housing crisis would take a lot of different approaches. He added that SB 423 was supported by numerous labor organizations in the state. He reiterated he would vote in opposition to Item 9F.

ACTION: Motion by Council member Sasai/Mayor Pro Tem Toms to approve Consent Calendar Item 9A (as amended by Council member Martinez-Rubin) and Items 9B through 9E, as shown.

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

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, referenced Item 9F and explained he was speaking for himself and for the Contra Costa Young Democrats who had taken a position in support of SB 423, and stated some of its members had addressed concerns he had as a Planning Commissioner. He had concerns with the language that would remove public oversight but had been informed that on some level public oversight would still be available in the objective standards that applied to all projects and to a lesser extent to design review. SB 35 did not cover all projects but a certain subset of ministerial projects that only applied in cities that were not meeting their Regional Housing Needs Allocation (RHNA) in a certain way pursuant to the State Housing website. He also noted only two categories of SB 35 would apply; one where the City was not meeting its Above Moderate RHNA housing goals, which Pinole would due to major projects in development. The other category was if the City was not meeting the Low and Very Low Income housing goals, where SB 35 may be triggered but only if a developer was willing to make the project 50 percent affordable units or greater. Most developers were unwilling to make that portion of their projects affordable and as such he suggested it would not affect Pinole.

Mr. Menis added that ministerial projects did not require public hearings and he understood some cities were using SB 35 to try to subvert the intent of the law by having public hearings to undermine the ministerial and objective standards already in place. He urged the City Council to oppose the letter in opposition to SB 423.

PUBLIC COMMENTS CLOSED

ACTION: Motion by Mayor Pro Tem Toms/Council member Martinez-Rubin to approve a Letter of Opposition to Senate Bill (SB) 423 Regarding Streamlined Housing Approvals.

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

10. PUBLIC HEARINGS: None

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.

11. OLD BUSINESS: None

12. NEW BUSINESS

A. City Road Condition and Pavement Management Program Update **[Receive Report (Mishra)]**

Public Works Director Mishra explained that the item had been continued from the April 18, 2023 City Council meeting at which time the City Council had been provided a PowerPoint presentation on the City Road and Pavement Management Program Update. He had no new information to provide at this time but welcomed any discussion on the presentation.

Mayor Murphy asked of the critical next steps staff would take now that the report had been presented, and Public Works Director Mishra advised that next steps would involve public engagement to better understand what residents wanted, with the input to be presented to the City Council at a future meeting and be part of the Long-Term Financial Plan (LTFP).

Council member Tave recognized that staff was working to balance everything and asked whether staff had modeled the size of the City organization compared to what was needed to make things happen in that there was considerably less money being spent on routine maintenance. He would like to know how many people were needed to maintain the City's roads.

City Manager Murray explained that the tool used to decide the type of treatment most appropriate to address the different road sections and conditions was the StreetSaver model, which ran different scenarios based on set parameters and which identified the types of treatments to the types of roads. There were only certain types of treatment that City staff was able to do versus those provided by construction companies.

The critical path at this time was to decide on the types of treatment to be done and on what roads and maintenance of roads already in good condition, where the City may hire vendors to do the work or do the work in-house. City staff was only able to do the lighter types of treatment in-house.

Council member Tave wanted to understand the levels in Pinole and wanted to know the maximum to replace all City roads, and while he was aware that would not happen the Report had shown \$5 million to move forward and the City was only spending a fraction of that amount. He wanted residents to be aware of the challenges and he sought a different model of funding. He appreciated greater community outreach to educate the public and he wanted to know what could and could not be done in-house.

Public Works Director Mishra advised that with existing staff and equipment the City would be able to do most of the patch work and pothole repair but it would not significantly increase the Pavement Condition Index (PCI). Public works staff for cities the size of Pinole did mostly patch work with major repairs rarely done by Public Works Department crews. The City did not have the resources to acquire enough personnel or equipment for the amount of work needed to repair the City's roads.

Council member Tave commented that partnering contracts had worked and sometimes dollars attracted more dollars and he asked whether staff had discussed with its counterparts in other cities the possibility of partnering for road work repair.

Public Works Director Mishra reported he had explored that idea with the City of San Pablo's Public Works Director, which discussion had also included the City of El Cerrito but the problem was the needs must arise at the same time and the type of treatment must be similar for a larger project for all three cities to partner. He had not explored that concept with the County Public Works Department and acknowledged a recommendation from the Mayor to seek out possible partnership possibilities and reach out to the Contra Costa County Board of Supervisors.

Mayor Pro Tem Toms pointed out that with a possible partnership with other jurisdictions an MOU would have to be considered that would weigh the time management between a city and county or two cities whose proportion of the contract was here or there, and the City may have to spend money to save money.

Council member Tave asked the City Attorney whether there were existing MOUs for a possible partnership and one that protected the City of Pinole.

City Attorney Casher confirmed there were MOU examples that could be used as a template. Oftentimes the costs negotiated with MOUs, if complicated or if both parties felt strongly about certain things, there could be several rounds of negotiation that involved the City Attorney or other staff. If straightforward, the MOU could be quick and streamlined.

Council member Sasai asked the nature of the community outreach and public education and whether the public would be asked what types of funding it would be comfortable pursuing and Public Works Director Mishra advised that would be part of the LTFP.

City Manager Murray stated he and other City staff had shared ideas on a community engagement process with the key part through an online and in-person mechanism.

City Manager Murray stated the City needed to show the public the different options so they could provide input on the desired service levels. Once there was input from the public, it would be presented to the City Council who would make a decision to incorporate a scenario into the LTFP, and the LTFP Consultant would advise on the funding mechanisms that would be appropriate to achieve the scenario. The LTFP may identify a number of needs and potential funding mechanisms and while the LTFP had not envisioned polling on those things, that was something the City Council could consider in the future when considering what to place on the ballot.

Council member Sasai referenced the April 18, 2023 staff report and noted that Scenarios 3 and 4 were the only scenarios that would provide an increase in the PCI. He asked whether the figures in the scenarios were arbitrary and whether there was a way to be in the middle of Scenarios 3 and 4.

City Manager Murray commented that the StreetSaver tool allowed consideration of specific scenarios and for the purposes of public engagement, City staff would work to develop attractive scenarios that may fall between the scenarios shown in the April 18 staff report. Scenarios that were not overly costly could also be developed.

Council member Sasai asked about the fix-it-first technique and how often road maintenance for streets with a 20 PCI or lower was provided, and Public Works Director Mishra detailed the fix-it-first approach for roads that were already in good shape that did not fall below a PCI of 70. If a road reached a PCI of 70, a slurry seal would be pursued to provide more life. If a road was at a PCI of 20, not spending money and letting it fail until the City could afford to replace it was the fix-it-first approach unless the road repair was a priority or the City Council decided otherwise.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, suggested that public engagement be properly foregrounded on the City website. He understood the City was using the Balancing Act Tool for the budget as a whole but it was not easily navigated on the website and he expressed concern if public outreach was done on the City website it may result in the same situation. He otherwise understood the purpose of the report was to show the cost of repairing the City's roads, and the roads that were in terrible condition were so great was why there was a fix-it-first approach given the vast cost of repair. He also recognized Public Works staff was limited in the work they could do in-house given limits in staff, equipment and costs.

PUBLIC COMMENTS CLOSED

Council member Tave asked the number of roads that had zero remaining life, and Public Works Director Mishra commented that information had been included in the Pavement Technical Assistance Program (P-TAP), which had been included in the April 18 staff report.

Council member Tave wanted assurance as part of the message to the public that entire segments of the City's roads needed repair. In addition, he commented that the fix-it-first approach inherently disregarded those roads as part of the system and residents had been discouraged that those roads were not being repaired or informed why repairs were not being done. He emphasized the importance of community engagement to be sensitive to the fact that many had been left on an island.

Council member Martinez-Rubin offered a motion, seconded by Mayor Pro Tem Toms for staff to proceed with the direction “you know what to do” at the top of the presentation.

Mayor Pro Tem Toms understood that Council member Tave sought to offer a substitute motion and she withdrew her second to the motion.

Council member Tave offered a motion for staff to review the information and come back with what the community engagement program would look like so that the City Council could then accept the report and a community engagement plan and then move forward.

Council member Martinez-Rubin suggested it was not a messaging issue about what roads would be done but the bigger question was about funding, and when reaching that step the matter Council member Tave had identified boiled down to how people would vote to begin with, if at all. Having an additional step to address the community engagement plan would not address the problem of people not participating and it was up to the City Council to be aware of the public participation and weigh that and complement it with what staff had identified and by using the StreetSaver model.

Mayor Murphy seconded the motion.

Council member Tave understood and agreed with what Council member Martinez-Rubin had stated but as part of government in general he stated the City Council had to attempt to reach out to the public and that was necessary now more than ever. He wanted to ensure the City was offering people that platform for communication and it was important to go through that step and for the public to be aware the door was open for engagement. He re-stated his motion for staff to return with a public engagement plan coupled with the report upon acceptance of the report.

Council member Sasai asked the length of the public engagement process and when the data would be provided to the City Council, to which Public Works Director Mishra expected the public engagement process to take two to three months and before the LTFP, and by August everything should be wrapped up.

City Manager Murray advised the City Council may adopt the LTFP when it was ready. Staff was on schedule with the consultants to bring the Preliminary Draft LTFP forward in late August or early September. Staff would like the public engagement input for the City Council to consider the LTFP and he confirmed the motion, as stated, would delay the public engagement process if City staff needed to come back but it would not bump against a critical deadline. The goal was to have the LTFP in place sufficiently far enough in advance of a potential future revenue measure with enough runway for the public education. If the LTFP was adopted in September that would provide enough time for a potential ballot measure in 2024.

ACTION: Motion by Council member Tave/Mayor Murphy for staff to return with a public engagement plan coupled with the report upon acceptance of the report.

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

B. Update on Pinole Perks Community Gift Card Program [Action: Receive Report and Provide Direction (Whalen)]

Community Development Director Whalen provided a PowerPoint presentation on the results of the Pinole Perks Community Gift Card Program along with an overview of the program funded by the American Rescue Plan Act (ARPA), intended to provide assistance to businesses and households in need during the pandemic recovery. The Community Gift Card Program was intended to stimulate the local economy and provide community members with additional savings while shopping locally. She highlighted the program design, merchant eligibility, budget, program highlights, merchant mix, promotion and outreach, needs-study subsidy outreach and program costs to date and the staff comparison of how other communities had used the gift card platform to see how Pinole was handling its program as communities transitioned out of the pandemic.

Community Development Director Whalen stated as a whole the program had been relatively successful at encouraging the sale of community gift cards and using the funds in the local economy, with a small balance in bonus gift funds that may have benefited from more funds in the program and increasing the marketing mix. Almost all of the funds had been expended within the local economy which had mostly recovered from the pandemic.

Community Development Director Whalen advised the City Council must decide whether to continue subsidizing the program, allow it to operate absent a City subsidy or wind the program down. It was unclear whether people would purchase gift cards absent the subsidy. If the City Council decided not to subsidize the program and not sell any gift cards, the City may explore other long-term options for small business development and future Shop Local campaigns. Another option would be to transition ownership of the program to the Bay Front Chamber of Commerce. Staff had initial conversations with the Bay Front Chamber of Commerce Director who was open to discussing a transfer of ownership if that was what the City Council desired.

Community Development Director Whalen recommended the City Council receive the update and provide direction to staff as appropriate.

Council member Tave asked for clarification on the total value of gift cards sold, and Community Development Director Whalen again clarified the figures in the program highlights and the figure shown for the number of gift cards sold and the amount redeemed in the community was the equivalent of about \$168,000.

Council member Tave understood the City spent \$100,000 in ARPA funds and generated \$68,000 in additional funds in the community.

Community Development Director Whalen clarified the City provided \$100,000 to the program, \$15,000 had been used for marketing, and the remainder had been used to subsidize the program with the bonus gift cards and delivery fees. The City sold over \$200,000 in gift cards, and of that total the City had provided about \$85,000 including the marketing with a remainder of bonus money left to purchase as shown in the PowerPoint presentation. In terms of the benefits, there had been some anecdotal comments about repeat customers to businesses that those customers had never previously patronized resulting in new business as a result of the program.

Council member Sasai asked for the details involved in the transfer of ownership of the program to the Bay Front Chamber of Commerce.

Council member Sasai also asked of the reasons some jurisdictions had chosen to continue their gift card programs and whether the program was continuing to be funded by ARPA funds. In addition, he asked the balance of ARPA funds yet to be appropriated.

Community Development Director Whalen explained that she was uncertain what the transfer of ownership to the Bay Front Chamber of Commerce would look like contractually but she understood other communities had transferred ownership of the program. In this case, it would give the Chamber of Commerce access to the platform for the program and the Chamber would set the maximum limit on the number of gift cards that could be purchased, the value of the gift cards that could be purchased, letting merchants into the program, defining the rules and possibly subsidize the program to spur more purchasing in the City of Pinole. She had not received any indication the Bay Front Chamber of Commerce had funding to put into the program, but one of the benefits of transferring ownership could be the Bay Front Chamber of Commerce would have more capacity for marketing the program and could work with the vendors more closely to market the program themselves to make the program more robust.

Community Development Director Whalen was uncertain whether the other jurisdictions that had continued their gift card programs had continued to fund their program with ARPA funds and she understood that the programs had been continued because they had been successful in those communities and a good tool for the Shop Local program.

City Manager Murray explained the City Council had appropriated ARPA funds for a few specific programs including two rounds of the Small Business Grant Program in addition to Pinole Perks. The City Council had placed the remaining ARPA funds into the City's General Fund which was part of the General Fund balance. The funds were not restricted to COVID-19 related recovery expenses.

Finance Director Markisha Guillory clarified the City of Pinole had received \$4,605,009 in ARPA funds and of that amount the City had expended \$589,000 which included Pinole Perks, a \$300,000 allocation for a Small Business Assistance Grant Program administered in 2022, and with the remainder for the mandated weekly COVID-19 testing for public and some non-public safety staff. The \$4 million remaining ARPA funds had been placed into the General Fund.

Mayor Pro Tem Toms again clarified the expenditures for the Pinole Perks program, the funds remaining, and asked if the City ended the program whether it could be allocated to other business programs, and Community Development Director Whalen again clarified the remaining funds for bonus gifts was just about \$8,000.

Mayor Pro Tem Toms was uncertain whether it made sense to transfer the program to the Bay Front Chamber of Commerce since it may want to pull administrative costs for managing the program or if the City should continue to run the Pinole Perks program for the remainder of the fiscal year and any carry over could be transferred to other economic development programs. After the bonus funds were exhausted there was no incentive for anyone to purchase the gift cards and the program would end. She asked staff whether that was possible.

Community Development Director Whalen suggested if the program ran through the end of this fiscal year the bonus funds would be snapped up.

In response to Council member Martinez-Rubin, Community Development Director Whalen understood the City of Benicia had a successful program, had added money at multiple points of its program but had decided after the program ran its course to end the program. She acknowledged there had been little participation from the low income community in Pinole as had been hoped and the reasons could be advertising and reaching that community. Those who had purchased the gift cards had not been asked about income.

Council member Martinez-Rubin asked whether staff had considered the program costs to implement something that was “in plan” now, and Community Development Director Whalen stated staff had not done that as yet.

City Manager Murray stated staff had not considered how to specifically use funding that had formally been used for Pinole Perks but had a list of Year 1 activities in the Economic Development Strategy that could be done with some funding already appropriated on an ongoing basis for economic development activities.

City Manager Murray emphasized that Pinole had been one of the first jurisdictions to consider programs like Pinole Perks and the Small Business Assistance Grant Program and he was proud of the City’s efforts, but suggested it would be good for the City for the Pinole Perks program to gracefully wind down and for staff to be able to dedicate its attention to some of the economic development activities currently on the shelf. While Pinole Perks had invested in some of the City’s small businesses that otherwise would not have happened, it had been a big lift in terms of staff time to roll out the program and had consumed limited staff time that could be spent in the future on other economic development activities.

Community Development Director Whalen further clarified in response to the Mayor that the merchant eligibility criteria was the same criteria used for the Small Business Assistance Grant Program and staff had worked with the Bay Front Chamber of Commerce to address the small businesses most impacted by COVID-19. She confirmed there were some businesses that had applied and had been found to be ineligible, which included a number of chains and franchises.

Mayor Murphy wanted to know the number of businesses that had not met the eligibility criteria for the Pinole Perks program. He also clarified the merchant mix, which was important, since the Google Aerial Map image provided in the PowerPoint presentation had shown the program benefitted the small businesses along the San Pablo Avenue Corridor and had shown the linked fate and connectivity that had been created from the Pinole Perks program. While he recognized the Bay Front Chamber of Commerce fostered economic development, he did not want to erase the work of City staff to support its local businesses. He was interested in other data sets from the business owners involved in the program in terms of what had been learned from the program.

Community Development Director Whalen reported she had attempted to reach out to the businesses that had participated in the program but had received only two responses. Those two respondents had been positive about the program, indicated they had received new customers including walk-in and repeat customers who had indicated they were in the program due to the bonus funding for subsidizing, which was a 50 percent subsidy to the gift card. If the City Council desired to continue the program in some form, she would appreciate the opportunity to suggest some program changes.

Mayor Murphy did not want to ignore the fact the City had tried something new, it had been successful in a micro-way but there was the potential to expand, either through an extension of the program or to engage the businesses and take it to the next level in the economic development strategy. He described the Pinole Perks program as one of the most beautiful layouts of a program in the downtown that had visibility in the downtown with excitement and energy around it, with residents and Pinole business owners supportive of the program and with many people engaged in something that was Pinole centered. He suggested the program should be fostered and nurtured and he wanted to see staff dig deeper and determine whether some of the small businesses could actually provide more feedback.

Community Development Director Whalen clarified that feedback sought from the business owners had been via an email survey, and the Mayor recommended different tactics to obtain feedback in order to obtain different responses.

Mayor Murphy also clarified with the Community Development Director the types of businesses in the services category of the merchant mix. He again suggested the Pinole Perks program should be part of the Citywide Economic Development Program, it was something that would breed Pinole pride, and as developing new models with new marketing, it would strengthen the marketing, feedback and loop survey.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, was also curious whether there was any practical use for the gift cards if they were not subsidized and he appreciated the feedback from the two business owners that they would not be interested in continuing to take part if the gift cards were not subsidized. If the City decided to continue with the program, it would involve an ongoing cost to the City at whatever level the City chose to set the subsidy and whether that cost and staff time would be enough to outweigh the staff time and resources to other items already identified in the Economic Development Plan. He understood the Mayor's comments that the Pinole Perks program had created a sense of civic pride and engagement for the businesses and customers to a limited extent, and not without value the question was whether it was of sufficient value to be worth additional ongoing City funds and staff time. As to the lack of participation from the low income population, he suggested a lot of that was linked to the merchant mix and to the limitations placed on the program. A program targeted more to the low income population would need to expand to cover more grocer outlets and things like that.

PUBLIC COMMENTS CLOSED

In response to the Mayor, Community Development Director Whalen again clarified the cost benefits of the program, stated the expenditures in staff time had not been tracked but the program was a substantial lift for staff in 2022. She clarified as of the writing of the staff report, the City had sold close to \$200,000 in gift cards, with \$165,000 redeemed and with those figures the City had spent about \$85,000 on the program with \$13,000 still held in bonus funds to give to people to spend. As to what had been the most time consuming part of the program for staff to develop the program, it had been trying to entice the business owners to participate, working with the business owners on the program and developing branding and promotional materials.

Mayor Murphy still wanted more details on the staff time involved in the administration of the program.

City Manager Murray reiterated the funds originally appropriated had been spent but there was no harm in maintaining the program. He was uncertain that additional gift cards would be sold since the subsidies were running out but there was no harm allowing it to continue to exist, it would involve no staff time and it could be integrated with some other economic development strategy. Staff would be happy to receive direction to continue to let the program proceed on its natural course and look for an opportunity in the future to pivot from it into some other Shop Local business support program.

Mayor Murphy asked of the cost estimates for the subsidies whether more funds should be allocated to the program and again commented on the public support for the project, which he did not want to lose. He asked staff to return with information on possible subsidy scenarios and who the City could partner with such as MCE and others.

City Manager Murray confirmed staff could report back with more information on an ongoing investment that would sustain the program and could do more to engage the businesses that had participated. He added the City Council had adopted the participating business criteria when the funding for the program had been appropriated in December 2021, and had been targeted towards those businesses the City Council believed were more impacted by COVID-19 restrictions. Staff could also return with information to expand the number of participating businesses that could help the program grow to a critical mass.

Mayor Pro Tem Toms asked whether there was a carrying cost for keeping a program going if a subsidy was not provided, to which City Manager Murray explained there would be a one-time per card purchasing setup cost and surcharge of the percentage of the value of the card, which were small amounts and staff could return with ideas on how to sustain the program.

Council member Martinez-Rubin offered a motion that the Pinole Perks Program wind down and prepare to involve the businesses that had taken part in future economic development activities.

There was no second to the motion and the motion failed.

In response to the Mayor Pro Tem as to whether a decision could be deferred until the budget discussion, City Manager Murray suggested if the City Council wanted another subsidy of around \$10,000 that could last for a year it would be a one-time investment of funds that would not impact the structural balance of the budget. The City Council may address the matter at the adoption of the budget or soon after the budget had been adopted.

Mayor Murphy offered a motion to continue the Pinole Perks Community Gift Card Program and request staff provide information to the City Council given the conversation around merchant data.

On the motion, Mayor Pro Tem Toms pointed out if the City Council took no action, the program would continue until the funds ran out and no action would be needed.

Mayor Murphy restated his motion. Council member Tave seconded the motion.

Upon roll call on the motion, and when asked by Council member Martinez-Rubin to restate the motion, City Clerk Bell restated the motion to continue the Pinole Perks Community Gift Card Program, with an additional request for staff to come back to the City Council with more information regarding merchant data.

Council member Martinez-Rubin pointed out that continuation of a program required an allocation of funds

Community Development Director Whalen reiterated that as of this date, \$8,000 remained in funds still available for the program. She added other communities had decided at various points to fund their programs, let the funding draw down and fund again during the holidays, let the funding draw down and then fund again.

Mayor Murphy sought the merchant data and surveying which would be helpful for the budget discussion and considering next steps, which was why he had stated the motion as he had.

Council member Martinez-Rubin saw no difference between the Mayor's motion and the program winding down.

Mayor Murphy stated he had offered a motion, there was a second, and he asked staff to provide more merchant data which Council member Martinez-Rubin's motion had not included.

Council member Martinez-Rubin asked that the two components of the Mayor's motion be separated since staff could provide the data, and she clarified the continuation of the program had been based on the \$8,000 in funds remaining as clarified by staff.

Mayor Murphy declined to separate the motion.

Council member Tave added there had been discussion about staff reviewing the different scales in percentages whether 10 or 25 percent in terms of the subsidy and he was uncertain how to add that component to the motion.

Mayor Murphy accepted that as a friendly amendment to his motion.

ACTION: Motion by Mayor Murphy/Council member Tave to continue the Pinole Perks Community Gift Card Program, with an additional request for staff to come back to the City Council with more information regarding merchant data and provide clarity on the subsidy.

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

C. Policies Related to Environmentally Preferable Purchases and Practices [Action: Receive Report and Provide Direction (Whalen)]

Sustainability Fellow Kapil Amin presented a PowerPoint presentation on the Policies related to Environmentally Preferable Purchases and Practices and stated he had been working with the City of Pinole on a Climate Corp program, sustainability for Pinole including the Climate Action and Adaptation Plan, and Single Use Plastics production, and had conducted the research and prepared the staff report.

Mr. Amin's presentation included an overview of the background of Environmental Preferable Purchasing (EPP), the procurement of green goods and services that had a reduced impact on human health and the environment over less sustainable alternatives, and highlighted what EPP provided. He also highlighted the City's current Environmental Purchasing Policy; Best Practices from Sustainable Procurement Playbook for Cities; City of San Jose's Environmental Procurement Policy; Other Cities Policies; Green Purchasing Guides and Bids and Price Comparison.

Mr. Amin identified the next steps to enhance the environmental purchasing policy to encompass a wider range of green products and services, to include more specific criteria that looked into fair labor practices, local businesses, minority-owned and women-owned businesses, natural resource consumption, toxicity, and the use of best practices to structure the policy with assigned roles and departmental responsibilities. Staff time would be required to enhance and hone the environmental purchasing section to include specific criteria to broaden the scope of green products and services, educate City Staff on green purchasing for their departments and support implementation, for example, to create a vendor questionnaire in the bid process to learn about the sustainability of goods or services.

Mr. Amin asked the City Council to consider the information regarding policies supporting the procurement of environmentally sustainable goods and services and provide direction as appropriate.

Community Development Director Whalen added the City Council may also defer this item to the Finance Subcommittee to discuss further after the completion of the budget process.

Mayor Pro Tem Toms referenced the Climate Action Plan (CAP) and asked whether staff envisioned the inclusion of an action that would require amending the City's policy for purchasing, to which Community Development Director Whalen stated she could pose that question to the CAP team which had yet to raise that issue.

Mayor Pro Tem Toms had asked the question because as the CAP was developed it would include some actions and they were taking an action in advance of having the plan, which may or may not be consistent with the effort with respect to the CAP. She wanted to ensure the City Council was not jumping onto something that would be forthcoming and detailed later on.

ACTION: Motion by Mayor Pro Tem Toms/Council member Sasai to extend the City Council meeting to 11:15 p.m.

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

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, supported the overall aims of the policy which would be beneficial and tie into several goals in the General Plan, in particular the Sustainability Element and the sub goals attached.

Regardless of the ultimate outcome of the CAP, Mr. Menis stated that beginning to implement more sustainable purchasing and procurement practices and undertaking the world view change required to prioritize environmental goals to set up the life cycle reviews and various staff infrastructure cost associated with adopting environmentally sustainable goods and services procurement, would ultimately lead to the benefit of the CAP even if some reworking needed to be done.

Anthony Vossbrink, Pinole, suggested in terms of purchasing products and supplies for the City that the City consider not buying and inventorying plastics, such as the purchase of high-fiber micro plastic bags that negatively impacted the environment, and rather use burlap bags. He also suggested a reduction in the number of stop lights up and down Pinole Valley Road through to Granada Court and Shea Drive to eliminate deceleration that caused carbon emissions. Since the lights had not been queued properly, he suggested it added to carbon emissions. The lights could also be modified to blink yellow and red so that vehicles did not have to come to a complete stop at times when there was little traffic in the area. At the bottom of Pinole Valley Road, he suggested the City should partner with Caltrans to install an extra lane past the Jack in the Box to the I-80 eastbound on-ramp lane.

PUBLIC COMMENTS CLOSED

Mayor Murphy liked the next steps and would like staff to move forward with all of them. He also wanted staff to consider and provide a report back with the next steps, what the City could do to align with the Empower Procurement Program, a program funded by the California Energy Commission that offered cities opportunities to amplify sustainability outcomes through the increased adoption of clean energies with a focus on distributed energy resources. He asked that staff reach out to CivicWell about technical assistance and grant opportunity programs.

ACTION: Motion by Mayor Murphy/Mayor Pro Tem Toms to direct staff to take all of the next steps as recommended in the PowerPoint presentation including an additional report on what the City could do to align with CalEnergies Empower Procurement Program, any CalRecycle Program around procurement, and reach out to CivicWell about technical assistance and grant opportunities programs.

Vote:	Passed	5-0
	Ayes:	Murphy, Toms, Martinez-Rubin, Sasai, Tave
	Noes:	None
	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.*

City Clerk Bell reported there were no comments from the public.

14. ADJOURNMENT to the Regular City Council Meeting of May 16, 2023, in Remembrance of Amber Swartz.

At 11:07 p.m., Mayor Murphy adjourned the meeting to the Regular City Council Meeting of May 16, 2023 in Remembrance of Amber Swartz.

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council: May 16, 2023

