

**CITY COUNCIL MEETING
MINUTES
July 18, 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 5:02 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
Alex Mog, Assistant City Attorney
Heather Bell, City Clerk
Maria Picazo, Recreation Manager
Sanjay Mishra, Public Works Director
Jeremy Rogers, Community Services Director
Lilly Whalen, Community Development Director
Markisha Guillory, Finance Director
Fiona Epps, Assistant to the City Manager
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on Thursday, July 13, 2023 at 3:30 p.m. with all legally required written notices.

Written comments had been received in advance of the meeting, distributed to the City Council, posted on the City website and made available to the public 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. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Gov. Code § 54957.6

Agency designated representatives: City Manager Andrew Murray, City Attorney Eric Casher, Human Resources Director Stacy Shell, Gregory Ramirez, IEDA
Employee Organizations: Pinole Police Employees Association (PPEA), AFSCME, Local 1, Local 512

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Gov. Code § 54957

Title: City Manager

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

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

At 6:43 p.m., Mayor Murphy reconvened the meeting into open session and announced there was no report from the Closed Session.

6. CITIZENS TO BE HEARD (Public Comments)

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

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

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Murphy hoped everyone had a wonderful Independence Day holiday.

Mayor Murphy reported the East Bay Regional Park District (EBRPD) Bay Trail at Bay Front Park had been damaged after winter storms and had been closed since that time. The City was seeking funding through the Federal Emergency Management Agency (FEMA) to mitigate the issue. He expressed his appreciation to the City's food distribution volunteers who had continued to find ways to address food insecurity in the City of Pinole and in the region. He congratulated and welcomed new businesses Uptown Yard and Sweet Piper's to Old Town Pinole and encouraged residents to continue to support the City's small business community.

Mayor Murphy also reported that a community guide had been prepared entitled Preventing Wildfire: How to Prepare for Wildfire Season In and Around Pinole, which guide included helpful information from various agencies and resources, to be available on the City website and shared on social media. The guide would also be distributed to residents within the next few weeks.

Mayor Murphy further reported that the month of July was Plastics Free July, a global movement helping people find solutions to plastic pollution. Residents may participate by choosing to refuse single-use plastics as much as possible. The City of Pinole was teaming with FoodWare, a takeout made sustainable app to help reduce the use of single-use plastics. He highlighted the options available through the app and urged residents to participate and provide input to the Community Development Department for a cleaner and healthier Pinole.

B. Mayoral & Council Appointments: None

C. City Council Committee Reports & Communications

Mayor Pro Tem Toms reported she had attended the Mayors' Conference and briefed the City Council on presentations of two potential bond measures in 2024, with more information on the Association of Bay Area Governments (ABAG) Bay Area Housing Finance Authority website link. She had also attended the East Bay Wildfire Safety Memorandum of Understanding (MOU) group with a recommendation to be presented to the potential participating jurisdictions in August or September. She reported there had been a Project Labor Agreement (PLA) Subcommittee meeting, with next steps to communicate with another jurisdiction with a model PLA to learn whether that jurisdiction had any issues or desired adjustments to their PLA and discussions with labor representatives.

Mayor Pro Tem Toms added that through her own volunteer work, she had attended the Summer Games for the Special Olympics for Northern California in Santa Clara when the 2023 Special Olympics Volunteer of the Year had been awarded to Pinole resident and Pinole Police Department Public Information Officer (PIO) Commander Matt Avery.

Council member Martinez-Rubin reported on her attendance at a meeting of the Revenue and Taxation Policy Committee of the League of California Cities and briefed the City Council on the discussions. Also, along with Council member Sasai and the Assistant to the City Manager, discussed a possible agreement with a firm to help the City update its Seal and Logo.

Council member Sasai reported he had attended a WestCAT Board meeting and briefed the City Council on the discussions.

Council member Tave reported he had attended a meeting of RecycleMore and briefed the City Council on the discussions.

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 Mayor Pro Tem Toms/Mayor Murphy to recognize Commander Matt Avery for his award as the 2023 Special Olympics Volunteer of the Year at a regular City Council meeting in August or September.

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

Council member Martinez-Rubin offered a motion to defer a presentation on the Taxpayer Protection and Government Accountability Act ballot measure scheduled for the August 15, 2023 Regular City Council meeting to the summer of 2024, which would be closer to when elections would occur.

Mayor Murphy understood a motion was not necessary in that the direction would be communicated with the City Manager to the team.

ACTION: Motion by Council member Martinez-Rubin/Mayor Pro Tem Toms to direct staff to prepare a brief memorandum outlining the status of the agenda item related to enhancing the current City of Pinole ordinance which bans styrene, to possibly include the use of compostables in both City facilities and local eateries, and the timeline when the item would be brought before the City Council.

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

Council member Sasai offered a motion for a discussion of the adoption of a City ordinance to prohibit the creation of new gas stations and the expansion, reconstruction and relocation of existing gas stations in the City of Pinole.

Mayor Pro Tem Toms asked whether such a request would be considered by the Municipal Code Update Subcommittee, and City Attorney Eric Casher stated it made sense to have a general discussion at the City Council level first with the City Council to provide direction on the type of regulations that could be implemented. Thereafter the Municipal Code Update Subcommittee would review the item in the form of an ordinance.

ACTION: Motion by Council member Sasai/Mayor Murphy for a request for a discussion of the adoption of a City ordinance to prohibit the creation of new gas stations and the expansion, reconstruction and relocation of existing gas stations in the City of Pinole.

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

ACTION: Motion by Mayor Murphy/Mayor Pro Tem Toms to invite the East Bay Regional Parks District Board Member representing the City of Pinole as well as the General Manager to a future City Council meeting.

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

E. City Manager Report / Department Staff

City Manager Andrew Murray provided an overview of the tentative agenda items for the August 15, 2023 regular City Council meeting. The regular City Council meeting for August 1, 2023 would be canceled.

F. City Attorney Report

City Attorney Casher reported the Municipal Code Update Subcommittee would meet in the month of August and he would poll members on their availability. Potential ordinances to be considered would include a Panhandling Ordinance, an ordinance related to the City's permitting of Single-Family Day Care Homes and Facilities, Electric Vehicle (EV) Charging Station Usage and an update on the community engagement efforts around the Single-Use Plastic Ordinance.

PUBLIC COMMENTS OPENED (Items 7D through 7F)

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

PUBLIC COMMENTS CLOSED

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Recognizing Fire Chief Wynkoop in the event of his retirement

The City Council read into the record a proclamation recognizing Fire Chief Christopher Wynkoop upon his retirement as the City of Pinole Fire Chief.

Fire Chief Wynkoop thanked the City Council for the proclamation, his family particularly his wife for her love and support, Department Heads, City Council, City staff and the Fire Labor Groups, for the progress made over the past few years. He also recognized the fire professionals he had worked with in the cities of Stockton and Pinole and in the Contra Costa County Fire Protection District (CCCYPD).

City Manager Murray offered a gift as a token of appreciation to Fire Chief Wynkoop in recognition and in appreciation of his service to the City of Pinole, particularly for his vision with respect to the new service model with the CCCYPD.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, expressed his appreciation and recognition of Fire Chief Wynkoop for his service to the Pinole community, Contra Costa County and his support and efforts for the new service model with the CCCYPD. He also commended Fire Chief Wynkoop for his character and commented on his personal conversations with Fire Chief Wynkoop, who had always been charitable, forward-thinking, kind and dedicated to the community to the best of his ability. Fire Chief Wynkoop's retirement from City staff would be a loss for the City but he suggested his retirement was well deserved and he wished him a happy retirement.

David Rupert, Pinole, highlighted his personal experience with the Pinole Fire Department and he too wished Fire Chief Wynkoop well on his retirement after making Pinole better, and while he would be moving out of the area Chief Wynkoop would be in everyone's heart. He hoped that effort would be carried over with the CCCYPD. He again wished Fire Chief Wynkoop well on whatever his future held.

Irma Rupert, Pinole, thanked Fire Chief Wynkoop for his service to the City and for his successful efforts to reopen Fire Station 74.

The City Council again expressed its sincere appreciation and gratitude to Fire Chief Wynkoop and emphasized he was always welcome in the City of Pinole.

PUBLIC COMMENTS CLOSED

2. National Parks and Recreation Month

The City Council read into the record a proclamation recognizing July 2023 as National Parks and Recreation Month, with Parks and Recreation, Community Development and Public Works Department staff recognized for their work maintaining and enhancing the City of Pinole's numerous park facilities. The proclamation was presented to Recreation Manager Maria Picazo.

Recreation Manager Maria Picazo thanked the City Council for the proclamation on behalf of her team and stated it was an honor to serve the Pinole community.

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

3. Bastille Day

The City Council read into the record a proclamation recognizing July 14, 2023 as Bastille Day.

PUBLIC COMMENTS OPENED

Vincent Salimi, Pinole, thanked the City Council for the proclamation on behalf of the French-American community and highlighted the background of Bastille Day, which led to French Independence Day and the relationship between the United States and France. He also introduced members of the audience who would be speaking to the City Council.

Chloé Soroquère, President, Official Committee, Franco-American Associations of the San Francisco Bay Area, thanked the City Council for the proclamation and explained the Committee had hosted the City Council and other members of City staff in 2022 during a Bastille Day Dinner. She provided an overview of the Franco-American Associations of the San Francisco Bay Area, which had started in 1880 for the sole purpose of uniting all French-American organizations of the Bay Area and organizing Bastille Day. Everyone was invited to the Bastille Day Festival planned for July 13, 2024 at the Embarcadero Plaza in the City of San Francisco. She added the organization was a zero-waste organization and would also celebrate Plastic Free July. She also highlighted the principles of the French Revolution which remained in effect today, with a belief in liberty, equality and fraternity. She also spoke to the number of people in the Bay Area and in the City of Pinole who were of French descent who were a big part of the community.

Serge Morel, Consular Advisor, Consulate General of France in San Francisco, representing all French citizens in the United States accepted the proclamation on their behalf.

PUBLIC COMMENTS CLOSED

B. Presentations

1. Public Bank East Bay

Community Development Director Lilly Whalen introduced Marjorie Lewis and George Quaye with Public Bank East Bay to provide a PowerPoint presentation.

George Quaye, Friends of Public Bank East Bay, provided an extensive PowerPoint presentation on Public Bank East Bay which included an overview of a public bank, a financial institution owned by public entities such as a city/county/region instead of private shareholders. He explained that a public bank was not a retail bank, competition for local financial institutions, or an extractive drain on the community. Public banks ensured dollars were working for the public good by allowing governmental agencies to divest, investment in a circular local economy and increase public revenue. He also highlighted as case study for a public bank the details for the Bank of North Dakota.

Mr. Quaye provided an overview of Public Bank East Bay which planned for a 2025 opening, owned and capitalized by local cities (Richmond, Oakland and Berkeley) and Alameda County, governed by a 15-member Board with majority community members, and with partners from local financial institutions to increase their capacity.

Public Bank East Bay would be regulated by the State and the Federal Deposit Insurance Corporation (FDIC) and would grow into taking municipal deposits and provide banking services for the cities and county, charging low and fair fees. Public Bank East Bay would also be working on affordable housing development, residential electrification, small business lending and municipal financing and with those four areas would prioritize racial equity, community wealth building, environmental sustainability and other local priorities.

Mr. Quaye further highlighted Assembly Bill (AB) 857 approved in 2019, which created a legal pathway for the establishment of public banks in the State of California. He noted that resolutions had been adopted in support of Public Bank East Bay from the cities of Richmond, Berkeley, Oakland and Hayward; commitments to participate in an Agency Working Group had come from Richmond, Oakland and Berkeley; a slate of Board candidates for agency review had been finalized after extensive community outreach; and Public Bank East Bay had raised over \$750,000 with support from foundations and from Alameda County.

Next steps included a resolution affirming Alameda County's involvement in Public Bank East Bay's creation and participation in the working group, and working with the staff from the cities of Oakland, Berkeley and Richmond to design the corporate structure and work with the Alameda County Treasurer to identify potential sources of funding to appropriate toward capitalization of Public Bank East Bay. Local communities and organizations that had shown support for Public Bank East Bay were also identified.

In response to questions from the City Council, Mr. Quaye and Ms. Lewis clarified the following:

- Public Bank East Bay was regulated and not directly tied to functioning aspects of a city or county.
- There would be a representative from Richmond, Berkeley and Oakland and two representatives from Alameda County for the Bank Board, with the other ten members of the 15-member Board to consist of community representatives.
- Subsequent municipalities that joined Public Bank East Bay would have some say in where the money was spent when they provided resources to the Bank.
- Public Bank East Bay was working on its business plan with specific decisions to be up to the Board given the Bank would be public, not private, and its main reason to exist was to democratize finance and consider how it would be best for everyone, not just the original founding members, but for all municipalities that may deposit into the Bank.
- Public Bank East Bay would be looking at other resources from other agencies such as the Bay Area Rapid Transit (BART) District and the East Bay Municipal Utility District (EMBUD).
- Public Bank East Bay would have to determine where and how the money would be spent pursuant to the Bank Charter and subject to FDIC regulations.
- The final governance plan and business plan for Public Bank East Bay in its various iterations could be made available to the Pinole City Council.

- Public Bank East Bay was part of a state and nationwide movement but was different in that it chose to do its own fundraising to start the Bank allowing more of a say in setting it up and designing the governance system and community representation.
- The way people would make money was that the Bank would be buying back bonds and issuing them at a less than expensive rate.
- Once the regulatory process was complete, a date would be issued for the charter with incorporation to be in place and all institutional pieces of the Bank required to be in place on the day the charter was invoked.
- The three municipalities referenced (Richmond, Oakland and Berkley) and Alameda County would kick-off the initial founders of the Bank, with the institution to be attractive to others, and as part of this process the structure to join was being worked on and there would be a path for other municipalities to join the Bank. Once Public Bank East Bay was open and ready to operate, it would be ready to take deposits from municipalities but the specifics of potential community involvement had yet to be worked out. The Working Group would be meeting in the near term and would be discussing initial questions around how it would integrate future municipalities in the governance and operational processes of the Bank.
- Public Bank East Bay had an academy in which it would train Board members in finance and economics since there would be bankers, finance and community members and given the fiduciary responsibility for public money.
- Board members would be vetted by a pre-vetting individual familiar with state regulators and the state would do its own vetting. One could not be a member of the Board if the state deemed an individual to be unfit. There was a list of ten current Board candidates on the Public Bank East Bay website with extensive curriculum vitae's (CVs) and identification of who had passed the initial vetting for the Bank and who would be part of the charter.
- The initial capitalization would be around \$40 million between the three cities and Alameda County, with Alameda County carrying the largest load and which would provide sufficient funding for a cushion for Public Bank East Bay for the first three years, with a three-year turnaround for profitability. Operationally, as soon as the charter was provided, funds and resources would be delivered with no delay. Return on investment was anticipated after three years.

Ms. Lewis asked that the City Council put in writing any additional questions regarding Public Bank East Bay that could be provided to the Working Groups now working on the business plan and allow the Board to answer any questions.

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 Regular City Council Meeting on June 20, 2023.
- B. Receive the June 17, 2023 – July 14, 2023 – List of Warrants in the Amount of \$2,199,424.20 and the June 23, 2023, Payroll in the amount of \$465,293.93 and the July 7, 2023 Payroll in the amount of \$520,795.32 (\$479,695.40 Regular Payroll and \$41,099.92 Chief Wynkoop Leave Payout)
- C. Second Reading of an Ordinance Amending Chapter 15.02.070 ‘Permitted Hours and Condition of Construction’ of the Pinole Municipal Code **[Action: Waive 2nd Reading and Adopt Ordinance per Staff Recommendation (Casher)]**
- D. Resolution Authorizing the City Manager to Execute an Agreement with Strategic Energy Innovations (SEI) to Support a Climate Fellow for FY 23/24 at a Not-To-Exceed Amount of Forty-Nine Thousand Dollars (\$49,000) **[Action: Adopt Resolution per Staff Recommendation (Whalen)]**
- E. Adopt a Resolution Approving a Memorandum of Understanding Between the City of Pinole and Pinole Police Employees’ Association (PPEA) for the Period of July 1, 2023 – June 30, 2025 **[Action: Adopt Resolution per Staff Recommendation (Shell)]**
- F. Adopt Resolution Authorizing the City Manager to Execute a Service Agreement with Contra Costa County to Implement an Enhanced Energy Efficiency/Electrification Pilot Program in the City of Pinole **[Action: Adopt Resolution per Staff Recommendation (Whalen)]**

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

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, referenced Item 9C, and asked that the City Council pull the item and amend it as it related to the constraints on nighttime construction in residential areas, which was currently defined as being between the hours of 10:00 p.m. and 6:00 a.m. He understood the City wanted to provide as much broad discretion to the City Manager as possible and the City Manager would likely not provide permission to allow construction to occur during the stated hours due to potential public backlash but suggested it would be worthwhile to codify the limits on construction hours in the ordinance.

Cordell Hindler, Richmond, spoke to Item 9A and suggested the minutes provided initial comments.

For Item 9C, Mr. Hindler agreed with the comments from the previous speaker given the residents who lived near the building site, and for Item 9D, he agreed with providing funds for a Climate Fellow to bring the City up to speed on climate change.

PUBLIC COMMENTS CLOSED

Council member Martinez-Rubin referenced Item 9A, Page 75 of 293 of the agenda packet, and requested the following revision to the fifth line of the first paragraph, to read:

As an example, the discussion on ACA 4 had included public comment from people outside of the City of Pinole along with a few City residents, which was a larger issue and a matter of how the public and the City Council became aware and eventually engaged in local legislation that may affect residents and how the City operated.

City Clerk Bell requested an additional revision to Page 72 of 293 of the agenda packet for the Regular City Council Meeting Minutes for June 20, 2023 with respect to the comments attributed to Council member Sasai, as follows:

Council member Sasai suggested when a union print shop was used the items printed show the union bug doing the work, which was good for visibility.

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

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

10. PUBLIC HEARINGS

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

- A. Conduct Public Hearing and Adopt a Resolution Confirming the Assessments and Ordering the Levy for the Pinole Valley Road Landscape and Lighting Assessment District for Fiscal Year 2023/2024 [Action: Conduct Public Hearing and Adopt Resolution per Staff Recommendation (Mishra)]**

Public Works Director Sanjay Mishra provided a PowerPoint presentation of the Pinole Valley Road Landscape and Lighting Assessment District (LLAD) for Fiscal Year 2023/2024, which included the background of the Pinole Valley Road LLAD and an overview of Zone A: North of I-80 and Zone B: South of I-80 and Assessment Summary of Fiscal Year (FY) 2023/24.

Council member Martinez-Rubin spoke to recurrent public comments about more than one light being non-functional in the LLAD. She asked whether that was a reflection of the relatively small amount the City received in funds to address the LLAD or whether it was something else.

Public Works Director Mishra explained that the complaints received had been primarily about the lights in Zone B: South of I-80, and a couple of locations where street light poles had been knocked down on a frequent basis. It cost the City around \$16,000 for a single light pole replacement. The light poles on the southern side of I-80 had not been replaced given that funds for Zone B were limited; however, light bulbs had been replaced when reported to the City. There was also a systemic issue with the photovoltaic cells and wiring in Zone A and staff was working to resolve the wire connections.

Council member Sasai again clarified with Public Works Director Mishra that the light poles cost \$16,000 per pole to replace while the cost of the light bulbs was a minor expense.

Mayor Pro Tem Toms asked whether the LLAD could borrow from the General Fund if funds were limited, whether the assessment in the LLAD should be increased or whether the City had gone after the insurance companies of the vehicles that hit the light poles since most of the light poles that were down were a result of a vehicular accident.

Public Works Director Mishra clarified the rate of recovery from private insurance companies ranged anywhere from zero to 25 percent of the maximum and that most of the time whoever hit the light pole was not known since oftentimes the accidents occurred during evening hours.

Public Works Director Mishra also clarified in response to Council member Tave that the City paid for one light pole to be replaced in 2022, but had not replaced any light poles in 2023 since his assessment was that the light poles were in the wrong location. He would rather have those light poles located on the sidewalk rather than in the medium where they were a target for larger trucks/vehicles. He was working with staff on that option but had not yet proposed a larger Capital Improvement Plan (CIP) project. A total of three light poles had been hit with only one replaced. He again clarified the available funds for LLAD Zones A and B, with only \$5,000 remaining for Zone B.

PUBLIC HEARING OPENED

Cordell Hindler, Richmond, asked the City Council to support the staff recommendation, as presented.

Irma Ruport, Pinole, asked whether it was possible to install lights where the light poles had been located along with signage warning drivers they were on camera possibly avoiding some of the accidents.

PUBLIC HEARING CLOSED

Public Works Director Mishra stated he could look into the suggestion from the public as part of the evaluation of placing the light poles on the sidewalk but a system would have to be in place before signage could be posted.

ACTION: Motion by Council members Martinez-Rubin/Tave to adopt a resolution confirming the assessment and diagram as described in the Annual Assessment Report, levying an assessment for the fiscal year commencing July 1, 2023 and ending June 30, 2024, and ordering the City Engineer to prepare and submit the assessments to the Contra Costa County Assessor's Office for placement onto the Fiscal Year 2023/2024 secured property tax roll.

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

11. OLD BUSINESS: None

12. NEW BUSINESS

A. Review of the City's Required Contributions to Pension and the Lifespan of the Section 115 Trust Fund **[Action: Receive Report (Guillory)]**

Finance Director Markisha Guillory presented the staff report dated July 18, 2023, and introduced Doug Pryor with Foster & Foster, the consultant firm the City hired to analyze the City's annual required contribution to the California Public Employees' Retirement System (CalPERS) and to address the estimated lifespan of the Section 115 Trust Fund.

Doug Pryor, Vice President and Actuary at Foster & Foster provided a PowerPoint presentation on the City of Pinole CalPERS Miscellaneous and Safety Plans, which included an overview of the Miscellaneous and Safety Groups formulas for CalPERS; Plan Funded Status – Miscellaneous and Safety Plans; details of the City's Pension Obligation Bond (POB); Contribution Rates – Miscellaneous and Safety Plans; Investment Returns generated by CalPERS, and CalPERS changes with all information contained in the staff report.

Finance Director Guillory continued the PowerPoint presentation and provided an overview of the City Pension Contributions and Trust Forecast, which included the City's annual required contribution to CalPERS; annual required contribution to CalPERS; total pension costs; comparison of total pension costs; Section 115 Trust Fund and lifespan of Section 115 Trust Fund, again with all information contained in the staff report.

Council member Martinez-Rubin clarified with Director Guillory that Foster & Foster's preparation of the materials were particular to the City of Pinole with the bar graphs on Pages 4 and 5 of the PowerPoint presentation reflecting the City's numbers and retired City employees, and the City had the obligation to pay those employees a pension relative to the year hired and based on the type of employee, with the amounts shown unfunded as of the current date.

Council member Martinez-Rubin also spoke to the particulars related to the Section 115 Trust Fund which had shown a bit of a cushion, although funds would be exhausted in year 2029/2030. She confirmed with the City Manager the cushion was nowhere near the amount the City needed to meet its obligations to pay retirees.

Finance Director Guillory reiterated the information presented would be used to inform the Long-Term Financial Plan (LTFP) and the City Council would make decisions on the sourcing of those funds.

Council member Tave again clarified the Section 115 Trust Fund would be exhausted in year 2029/2030. He suggested there should be more employees paying into the fund than the City paying into the pension system. He understood the POB had been considered as an emergency response and he asked when the City would take steps to have a bond issued. He hoped to have that message relayed to the public early in the process. He also asked whether the bond could be issued earlier since based on the projections it would not be enough.

Mr. Pryor clarified there were more retired employees receiving benefits than active employees but that benefit itself did not make the plan upside down, which was a natural position for a mature pension plan. The problem was the investment returns and that CalPERS had decreased its discount rate from the issuance of the first POB that mostly generated the unfunded liability, which had impacted most agencies across the state. He added that a POB would involve borrowing money to pay CalPERS and if the City was able to borrow money at a low rate and CalPERS had a higher return they would come out ahead, whereas borrowing at a higher rate with CalPERS earning a lower return would create an upside down situation. He had not seen any interest in POBs since the interest rates were so high, although possibly that window would come back when interest rates changed.

Council member Tave found the POB process never-ending and he hoped someone at the state level was considering solutions.

City Manager Murray again clarified the POB where the City had taken out a loan with a variable rate. At that time, CalPERS allowed a city to pay off a portion of the unfunded liability through a side fund, with a fixed rate of return on the pay-off, although that process was no longer permitted by CalPERS. Given that scenario, the City would not pursue the same approach and while not illegal modern finance practices strongly discouraged POBs. The City could look for another financial revenue source to bridge that gap. Once the 115 Pension Trust was exhausted, the amount of the unfunded liability needed to be determined to allow the City to factor that figure into the City's financial needs as part of the LTFP. Staff needed to determine what budget adjustments would be required in the future in addition to determining the number as part of the LTFP.

City Manager Murray added that when the Section 115 Trust had been created the thought was it would get the City through the entire pay-down of the unfunded liability, and when the trust forecast had been done based on the CalPERS contributions, the forecast was much lower than what they were now known to be. One of the driving factors was the lower return on investment at CalPERS and other actions taken by CalPERS.

Mayor Pro Tem Toms found the most informative page of the PowerPoint was Slide 5, Total Pension Costs. She noted in FY 2030/31, there would be a \$3 million bump required but the Section 115 Trust would be exhausted. She asked whether that could be flattened a bit sooner by stretching out the Section 115 Trust. She suggested the City stretch the transfer amount and she asked whether it would be advantageous to trim the City's budget so they could afford to do that and not be hit by a potential \$3 to \$5 million delta in FY 2031 to FY 2035/36.

Finance Director Guillory stated if that was the direction from the City Council to staff that could be done. The formula used was one that had been established in 2018, and carried forward. There was no formal policy in place for transfers from the Section 115 Trust.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, referenced Page 267 of 293 of the agenda packet, Table 3, Comparison of the 2018 and 2023 Total Pension Cost Forecasts and noted the values listed for the 2018 forecast for Pension Obligation Bond Debt Service differed drastically from the values listed in the 2023 forecast, both for the actuals for prior years and for the predictions for future years. He asked if that was because of the variable rate of the bond meaning the amount actually needed to be paid due to interest changes. He also noted the PowerPoint presentations provided by the Finance Director and Foster & Foster had not been posted on the City website and he asked that they be uploaded for future reference.

Mr. Menis also commented that the magnitude of cost assumed there would not be further decreases in the amount CalPERS was actually able to pay their effective discount rate and assuming it would remain at the 6.8 percent and draw closer to the effective 5 percent on average rate, and if it continued to drop more there would be more costs. In addition, the net delta even if accounting for the \$3 million jump by spreading out the net effect of the lifetime of the Section 115 Trust over more years would still create a larger net annual contribution than in the current fiscal year and every year until FY 2044/45. That would even be assuming the discount rates were not worse, which was unlikely given the increasingly conservative assumptions that CalPERS would make to stabilize and avoid the volatility experienced in 2022. He expected greater revenue changes to address even greater costs beyond those identified in the presentation.

PUBLIC COMMENTS CLOSED

Mayor Murphy advised the item was an informational report and no action was required. He looked forward to the next steps and the LTFP assessment.

B. Options for a Comprehensive Public Art Program [Action: Receive Report and Provide Direction (Whalen)]

Community Development Director Whalen and Community Services Director Jeremy Rogers provided a PowerPoint presentation on the proposed Comprehensive Public Art Program that included the definition of public art and with the current public art in the City of Pinole consisting of seven murals and six public tile mosaics. The existing City policies related to public art in the General Plan; current funding for public art pursuant to the Public Art Fund; the components of an Art in Public Places Program, which had been encouraged as part of the Three Corridors Specific Plan; potential funding sources for a Public Art Program and components of a Percent for Art Ordinance were all highlighted with all information contained in the July 18, 2023 staff report.

If the City Council was interested in establishing an Art in Public Places Program, staff recommended the City Council direct staff to work with the Community Services Commission to develop recommendations for a comprehensive Art in Public Places program. The Program could include guidelines for City art projects and collections, roles/responsibilities, collection management, maintenance, and conservation.

Work with the Planning Commission was also recommended to develop recommendations for a Percent for Art Ordinance and guidelines, procedures and criteria for art in private development and consultation with the Pinole Artisans and other professionals to provide recommendations on the maintenance and preservation and/or decommissioning (if necessary) of each mural in Pinole that had been commissioned by the Redevelopment Agency. Staff would return to the City Council with a recommended plan of action and associated budget.

Mayor Pro Tem Toms asked if the City collected development fees for public art whether the Community Services Commission would identify the location for a potential piece of public art or whether City staff would make that decision.

Community Services Director Rogers advised that everything would funnel through the Community Services Commission who would vet any applications.

Council member Tave asked how the fees collected as part of the Percent for Art Ordinance would be distributed, and Community Development Director Whalen explained that of the cities she had reviewed that had a Percent for Art Ordinance, there was a requirement for maintenance of public art on private development as part of an agreement with the developer, and with the developer to maintain the artwork through the life of the project. If a developer decided to pay an in-lieu fee rather than integrating an art piece into the development, the in-lieu fee could be put towards the procurement of public art in the City or pay for maintenance costs for other public art in the City with a policy to dictate how those funds could be spent.

PUBLIC COMMENTS OPENED

Irma Ruport, Pinole, stated she had recently been appointed to the Community Services Commission. She suggested the Commission could do this work with each Commission member representing a school and possibly each member working with the community and schools to bring this program to Pinole. She was pleased with the budget proposed for the Public Art Program. She reported she had spoken with a member of Pinole Artisans who had explained that Pinole Artisans had approached the City about a Public Art Program in Pinole in the past with no response. She would reach out to Pinole Artisans and invite them to the Community Services Commission where they could provide input and advice on how to pursue a Public Art Program.

Niosha Nafei-Jamali, explained that former Mayor Vincent Salimi had recommended a Public Art Program as a way to bring communities closer and address issues at hand. As a United States citizen who had been born in Iran, she spoke to the Freedom Life Movement which would have its two-year anniversary of the death of Mahsa Amini which had been the impetus for the start of the movement of bringing a voice through art. She spoke to her experience with art as a founder of a non-profit art organization and the promotion of art through art, dancing and music. A Public Art Program would bring communities together through amazing artists who could bring awareness to culture along with unity and love. She also supported festivals such as Art and Wine Festivals as had been celebrated in other communities, which would be welcome if included in a Public Art Program. She added there was interest from artists for murals that supported and recognized women's rights and that could be part of a Public Art Program.

Vincent Salimi, Pinole, supported a Public Art Program and suggested that diversity defined the City of Pinole with Pinole the 6th most diverse City in the state. He encouraged the City to adopt a Public Art Program that reflected the diversity of the City of Pinole.

Rafael Menis, Pinole, referenced Page 276 of 293 of the agenda packet, Table 1: Components of a Public Art Program, Artist Selection, and commented on his understanding of whether local artists would be given preference sometimes depended on funding. If the City were to charge private developers a development fee to install public art or pay an in-lieu fee, he asked whether it would create limitations on the hiring of artists for public art. In terms of the messages public art would represent, he asked whether the City would have any influence on the message in the public art, whether it would primarily be determined by the developer, or whether there would be a set of themes the City could rotate. If that was the case, he asked what First Amendment limitations could be placed on the City's ability to directly indicate what sort of public art could be required or suggested. As to the maintenance of existing public art, he noted that existing public murals did not have a plan or funding source for maintenance. In terms of a One Percent for Art Ordinance, he asked whether the City would consider separately a plan to evaluate the condition of existing murals and their maintenance. He suggested there should be a priority to evaluate the condition of existing public art to ensure it was maintained and intact for the future and kept vibrant for as long as feasible.

Dina Asna, Founder and Director of an East Bay Non-Profit organization, Iranian Women in Networking, empowering women in the arts, was excited about the possibility of a mural in the City of Pinole, drawing attention to the City. She highlighted the WomanLifeFreedom's Quilt project, which had received a lot of attention and which she hoped to bring to the City of Pinole. If the City proceeded with a Public Art Program, the organization was ready to assist the City and the community. She commented that every City that had a program empowering women in the arts invited inclusivity, creativity and diversity. She also read into the record a quote about art that had great meaning to her. She emphasized that this matter went beyond the country of Iran and placed a light on an issue that a lot of women and members of the LGBTQ+ community were facing. She hoped to receive feedback from City Council members.

PUBLIC COMMENTS CLOSED

Council member Sasai thanked staff for the comprehensive report for the establishment of a Public Art Program in the City of Pinole. He referenced the mural at the bus stop at San Pablo Avenue and Oak Ridge Road which had deteriorated and was a bad look for the City. He suggested the funds available in the existing Public Art Fund offered an opportunity to address the maintenance of existing murals and public artwork in the City. He also suggested funneling this effort through the Community Services Commission offered an opportunity to reassess the content and evaluate the appropriateness of existing art given that some of the artwork involved the current City seal or a depiction of a Native American individual and there were currently efforts to update the existing City seal and logo.

Council member Sasai also looked forward to working collaboratively with staff on Crime Prevention through Environmental Design (CPTED) Rebate Improvement Program, which was due to come before the City Council soon, and which would offer an opportunity to do some outreach for owners of property in Pinole along with ways to incorporate more public art.

Council member Sasai further thanked former Mayor Salimi and Council member Tave for the requested item for discussion given that public art was an avenue for the community to be seen and reflected in the City of Pinole and an opportunity to reduce graffiti and illegal dumping. He supported the item.

Council member Martinez-Rubin thanked staff for the comprehensive report. She was pleased the City may be ahead of the County's work towards the establishment of a commission focused on the arts and there may be possibilities of sharing between the City and the County. She looked forward to enhancing historical and cultural artwork along with the opportunity to maintain and create art pieces to reflect the history, culture and diversity of the City of Pinole beyond what a non-profit organization may be capable of doing. Local government supporting reflections of its own representation via art was an indication of how governance could enhance the quality of life for residents, and the enhancements public art would provide could create opportunities for new artwork. Overall, the idea was to have pieces that moved on and allowed one to reflect on what it was to like to live in an urban space that was becoming denser. The City could also balance all of the hardscape with the experience, cultural and artistic representations of life in the City of Pinole. She supported and looked forward to the next steps as staff had outlined and offered a motion to that effect.

Mayor Pro Tem Toms echoed the comments and explained that one of the first things she would like to see done was the rehabilitation of the murals and she looked forward to other installations of public artwork. She also liked the idea of festivals and events to promote art and music.

Mayor Murphy thanked staff for the presentation and partnership between City Departments. He liked the framework of the item being funneled through the Community Services Commission and he hoped the Commission would be provided a budget to allow public art. He supported the next steps as outlined by staff, and reiterated the land acknowledgement statement at the beginning of each City Council meeting agenda. When considering public art, he wanted to see indigenous peoples focused in that framework and consider ways to honor the original people of Pinole and build culturally relevant and sensitive art projects with the Ohlone people.

Mayor Murphy referenced Bay Front Park, which was an area in which he was intrigued with a lot of art and photography having featured the area and he would like to see some consideration to make the Wastewater Treatment Plant more beautiful, such as a piece of artwork on the building wall. He wanted to identify unlikely places as centers for public art and wanted to bring together the 2019/2020 Beautification Ad Hoc Subcommittee recommendations, one of which was to instill, support and program commissioning artists to beautify utility boxes. In addition, he also wanted to work in coordination with other agencies, including the County Art Council, which had created some surveys and public engagement workshops to define a County Art Strategy and the WCCUSD. He referred to interest in a mural on the Pinole Valley Road front facing elevation of Collins Elementary School and with students to commission art and anything else that could be done on the WCCUSD campus' infrastructure. The same type of partnership should be considered for East Bay Regional Park District (EBRPD) facilities.

Mayor Murphy also commented there was interest in doing an Iranian Human Rights light installation on City trees. He suggested unlikely places for art should be considered, as an example, City roads, such as how some communities had painted Black Lives Matter on City roads as an art installation or using the City's roads and crosswalks for possible artwork. The use of banners also offered a way to install public art.

Mayor Murphy referenced the Economic Development Plan vision for eco-tourism in the City of Pinole and how that could be mapped out. This effort would offer an opportunity to achieve that vision.

Mayor Murphy also referenced a report from UCLA Luskin School with the Metropolitan Planning Council (MPC) to help city leaders' work with community-based organizations and artists to develop shade, cooling infrastructure and the use of reflective paint on buildings, which could be part of the City of Pinole's climate change and adaptation effort. Further, he referenced the accessibility of artwork and offered examples at the Richmond Arts Center, and suggested when developing a Public Art Program for the City of Pinole they also consider different ways for people to offer and receive art. He too thanked former Mayor Salimi and Council member Tave for leading the effort to bring the item forward.

ACTION: Motion by Council members Martinez-Rubin/Sasai for the City Council to support the recommendations by staff regarding the development of a Public Art Program.

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

C. Steps Required to Sell the Faria House **[Action: Receive Report and Provide Direction (Mishra)]**

Public Works Director Mishra provided a PowerPoint presentation that included an overview of the background of the Faria House and the steps required to sell the property, as detailed in the July 18, 2023 staff report.

Mayor Pro Tem Toms described the history of the purchase of the property from the Redevelopment Agency as part of a long-range property management plan and how the assets of the former Redevelopment Agency had been managed. If the City purchased the property from the Redevelopment Agency, she asked why the Faria House was now being identified as a housing asset rather than a City asset. She emphasized that the revenue the City would receive from the sale of the property and how the funds would be distributed along with the details of the financial arrangement when the property had been purchased by the City should be clarified. In addition, there was a discussion of rezoning in the staff report whereas the Specific Plan determined the property would be Mixed Use and she asked whether someone purchasing the property must go through the entitlement process. She also commented on the exemptions from the Surplus Land Act and noted the Specific Plan included goals for the site to be Mixed Use, and asked whether or not the Faria House would qualify for an exemption. She preferred that the property be a Mixed Use, which would allow people to patronize a business or whatever possible use there could be and be able to go into to the building and she wanted those details sorted out to ensure they were on the right path.

Assistant City Attorney Alex Mog explained that the property had been transferred at the time of the dissolution of the Redevelopment Agency as a housing asset and the City had decided to purchase the home outright, although not the property (the land). The property (underlying ground) remained a housing asset with the home itself owned outright by the City. Appraisals would be needed to be done to split the proceeds of the sale of those two things depending on how the property was sold. Questions related to the Specific Plan designation would have to be researched by staff.

Council member Martinez-Rubin understood that an appraisal of the property had been done as recently as March 2023. She asked whether that value was public information, and both Public Works Director Mishra and City Manager Murray stated the appraisal was around \$340,000 for the home and property in an as-is condition.

Council member Martinez-Rubin asked for clarification on how the assumed proceeds of the sale of the property would be distributed, which she understood must get to different entities prior to the City actually obtaining some of the funds and the percentage or amount would be estimated proceeds the City would receive.

Assistant City Attorney Mog advised the appraisal had identified the value of the property and the home itself if the property were sold at full price. If valued at \$300,000 as an example, \$200,000 for the property and \$100,000 for the home, and the property sold for \$300,000, \$100,000 would go to the General Fund since the City owned the house outright and the \$200,000 would go into the Housing Fund since it was owned by the City as a housing asset. No part of the property was owned by the Successor Agency.

Council member Martinez-Rubin spoke to the criteria for selling the property and the qualifications of an entity if the property were to be sold. She asked whether the qualifications would be based on intended use, to which Public Works Director Mishra detailed the requirements of the Surplus Land Act that identified the public agencies that must be notified if the property were sold.

City Manager Murray added the City had experience with the disposition process through other surplus City properties and the sale of the Faria House would follow the same process.

PUBLIC COMMENTS OPENED

Irma Rupert, Pinole, stated the Faria House had been an item upsetting to the community, had divided the City, the City had spent a lot of money on the Faria House and as a taxpayer she had been offended. She detailed her numerous requests for copies of financial records and the record of attorney's fees and staff time spent on the property. She urged the City Council to sell the property and remove the property from the taxpayer's burden. She reiterated the Faria House had been very controversial, she recognized the current City Council had inherited the problem, again the community was divided, and she emphasized taxpayers could not afford to keep the Faria House. She asked the City Council to do something now and pointed out two Council seats would be open in 2024 and taxpayers would remember how the City Council voted on this matter.

David Rupert, Pinole, commented that the Faria House had been one of the longest running issues in Pinole without a solution. It was now possible to remove this negative asset from the City's tax rolls. He thanked the City Manager and City staff who had taken a look at the accounting factors in this matter and who had pointed out that funds for the Faria House had taken away from basic issues the City should be addressing. He acknowledged that the details to initiate the sale of the property needed to be worked out, there were valid questions about the initiation of the sale, but emphasized the sale of the property needed to happen. He had reviewed 5,000 pages of City documents and a couple of thousand documents provided by the Pinole Historical Society, which had contrary solutions and opinions. He suggested the City Council would make the right decision by selling the property.

Rafael Menis, Pinole, understood that whether the home, underlying land or the ground lease itself was sold the process for sale was the same, with the home having been purchased from the Redevelopment Agency to enable whatever use the sitting City Council desired. If the home was sold alone with a ground lease for the property, he questioned why the criteria for the Surplus Land Act would be triggered since what was really underlying the conversation was whether the Pinole Historical Society would be able to purchase the Faria House for use as a museum. While not stated explicitly in the agenda packet, it was generally understood that was the underlying context of this item, whereas the staff report seemed to state that would not be possible due to the requirements of the Surplus Land Act and he asked for clarification of that issue. He also asked whether it would be possible for the Pinole Historical Society to purchase the home itself and not the underlying land and not have to convert the building into affordable housing since the staff report was unclear on that issue. He asked that the core issue be clarified before the City Council took any action.

Cordell Hindler, Richmond, agreed with the comments raised by Ms. Rupert, and while the Faria House was beautiful it should be sold and removed from the taxpayers' burden. He agreed the Faria House has been the longest standing City Council agenda item and he urged the City Council to sell the property whether it was to the Pinole Historical Society or to any other group.

Anthony Vossbrink, Pinole, asked about the tax bill on the Faria House if action was suspended for another six months to a year. Given that the City may be in dire straits due to CalPERS requirements and City wages over the next few years, he suggested the City should consider consolidating and selling other vacant City-owned properties. As an example, he asked of the tax bill for the caretaker's home which should be sold or leased and he asked of the cost to maintain the property including the surrounding park area since the property had deteriorated, locks in the men's bathroom were broken and restrooms by the ballfield were inoperable. If the Faria House were sold, he preferred that the land be designated as Mixed Use property.

PUBLIC COMMENTS CLOSED

Responding to the public comments, Assistant City Attorney Mog explained that since the property was considered to be a housing asset, it must go to support affordable housing. Part of the justification used was that the area was a park-like amenity that supported adjacent affordable housing units. If the property became a private space, sold with the intended use as a private museum even if open to the general public, as an example, it would still be a private space and not something the City could continue to own as a housing asset.

With respect to the Surplus Land Act, the State Department of Housing and Community Development (HCD) had stated it would apply to most types of leases. If the City were to sell the Faria House to a non-profit to operate as a museum and entered into a ground lease with the non-profit that ground lease would be subject to the Surplus Land Act. The Surplus Land Act did not require the property be used in any specific way, but required as a first step that the City offer it to certain public agencies and non-profit housing providers to make an offer to the City and enter into negotiations. After that process had concluded and if the City Council was not happy with any of those offers, the City Council could do whatever it wanted with a for- or non-profit entity.

Assistant City Attorney Mog further clarified that since the land was owned by the City as a housing asset, it must be given to a housing provider to sell to develop affordable housing or if sold, the proceeds must be taken and put into the Housing Fund.

Separate from that under the Surplus Land Act, for any property the City sold, there were requirements depending on who the property was sold to and the stage in which it was sold whether affordable, if residential units were built on the property, and depending on the circumstances either 15 or 25 percent of the units must be affordable. The City Council was the ultimate decision maker for who to sell the property to.

Mayor Murphy asked that staff provide the most recent appraisal of the property to the City Council, and Public Works Director Mishra confirmed the information could be circulated to the City Council.

Mayor Pro Tem Toms reiterated the Specific Plan and General Plan designated the property as Commercial Mixed Use, and when the property went out as part of the Surplus Land Act notice, she understood the City Council would have discretion if an offer was made by a Commercial developer who may want to rehabilitate the property.

Assistant City Attorney Mog explained that during the negotiation phase the City was to prioritize affordable housing providers, but the law was also clear the City had no obligation to approve a rezoning or change in the Specific Plan designation. If the City Council felt strongly in keeping the property as Commercial, when notices were sent out it would be emphasized that the property was zoned in a certain way and the City Council was not interested in rezoning. If putting that message out, the City would not get more interest from affordable housing developers.

City Manager Murray reiterated staff had gone through the Surplus Land Act for all recent City surplus property sales and had experience whether affordable housing developers had expressed interest or not for similar types of properties.

Mayor Pro Tem Toms was interested in the process but wanted to review proposals that may come in and have enough discretion on potential future uses.

Council member Martinez-Rubin stated for the record she was a member of the Board of the Pinole Historical Society, which as part of its mission was to educate the history of Pinole and to support efforts related to that. She reported there had been no interest on the part of the Pinole Historical Society Board to purchase something it could not afford up until as recently as March 2023, when the City Council had heard and honored the interest of many members of the public. She also responded to some of the public comments at this time about division in the community and comments about the community's lack of support for a broader use of a City property, which was intended prior to 2008 as a public space. Specifically, documents and conversations in the staff report that had been pulled together for a meeting in November 2020, which spoke to that.

Council member Martinez-Rubin stated the intended use was such that there would be a partnership or relationship created in support of something meant for public use with operation of that use by a non-profit.

That partnership then went into discussion and partial negotiations when a lease agreement had been reviewed, and while no action had been taken, it was not because the terms of the lease had been found to be unacceptable by the Pinole Historical Society but on the basis of other activity going on amongst the City Council, which led to the deferral of a decision how the intended use of the property would have occurred, whether intended for use as a museum for instance.

Council member Martinez-Rubin stated all along the interest in use as a museum stemmed back to why the Faria House had been donated to the City, and all references to expenses by the taxpayers spoke to the interest of having the property used in such a way that it would hold artifacts, historical and educational pieces related to the City of Pinole.

Council member Martinez-Rubin re-read a portion of the National Parks and Recreation Month proclamation into the record. She noted the Faria House, as a structure and the property was part of Heritage Park, an omission as one of the City's parks. Over time, City staff had not necessarily paid attention to the direction from the City Council with respect to that property and it was in a state where there were questions as to how it could be used and plans to renovate the property to a point where further discussions about its use had been thwarted when the idea of having a property renovated for eventual use as a public space was not considered as urgent as other projects that would now be funded by the funds that had been set aside for that renovation. She found it a shame they were not looking at the property as becoming something that provided the City the kind of educational and cultural experience that a property supported by taxpayers could have to balance the kinds of other infrastructure needed.

Council member Martinez-Rubin saw the Faria House and its property as opportunities to showcase a lot of the technology beginning to be seen in the City to help with clean energy, and highlight concurrently the agricultural history representing and honoring the past. She explained there had to be the political will to see that and to consider it when discussing the value of the property that would not remedy the need for the City to acquire revenues to help meet unfunded liabilities.

Council member Martinez-Rubin asked of the cost the City had incurred if it were to subsidize the need to renovate the property as a public space for future use that would be open to anyone in Pinole. She noted the City had two national historical landmarks; the Bank of Pinole and Fernandez Mansion, both of which were held privately and not available to the general public. If the Faria House was a public space and open to the public as Mixed Use or otherwise, the City could also create the conditions where it would be more of an opportunity for people to access something that was theirs. She recognized the pressure to create more affordable housing would continue for years to come and the City had only recently experienced what the State Legislature had allowed for cities to build more housing, and the Housing Element would eventually have the City see more than 550 new units of different levels of affordability. If the City were to invite inclusivity and creativity, it could and ought to be done in a way to reflect that there was something tangible where that creativity and inclusivity could meet.

Council member Martinez-Rubin suggested there could be an intersection between preservation, promoting arts, promoting community building and community development, enhancing culture and enhancing civic pride, and she saw a lot of that possibility in keeping the Faria House and the property, which discussion had not yet occurred.

Mayor Pro Tem Toms asked if there was a notice of Surplus Land issued, how Heritage Park would be addressed, whether an easement would be required to be reserved for passage, or whether it could be sold, which needed to be clarified.

Assistant City Attorney Mog explained that the issue of whether any part of the property would be considered parkland had been reviewed and the property had never been designated as a park on any City map or inventory. He also clarified based on City Council direction and further investigation, the notice would specify whether the City would retain the strip where the path was located or whether an easement would be required across that land.

ACTION: Motion by Council members Tave/Sasai to extend the City Council meeting to 11:30 p.m.

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

Council member Sasai offered a motion, seconded by Council member Tave to declare the Faria House and the Property at 2100 San Pablo Avenue as “Surplus Land” pursuant to the Surplus Land Act (Gov. Code § 54220 et seq.) and to direct staff to take all the necessary steps to sell the Faria House and the property at 2100 San Pablo Avenue as outlined in the received City Council report.

On the motion, City Manager Murray stated if the City Council wanted to move forward, direction to staff would be to return to the City Council with a resolution declaring the property as Surplus Land, as a separate action.

Council member Sasai rescinded his initial motion. He offered a new motion, seconded by Council member Tave to direct staff to draft a resolution and declare the Faria House and the Property at 2100 San Pablo Avenue as “Surplus Land” pursuant to the Surplus Land Act (Gov. Code § 54220 et seq.) and return to the City Council for adoption and to direct staff to take all the necessary steps to sell the Faria House and the property at 2100 San Pablo Avenue, as outlined in the received City Council report.

On the motion, Mayor Pro Tem Toms asked during the time of drafting that the resolution clarify some discussion as to how to handle the separation of the park area from the Faria House. She would support the motion mainly because she saw no other path forward, although she wanted to see a museum but it would not happen unless supported by some funder who would support it as a non-profit. She wanted to see it as a Mixed Use, where customers could visit and see the home with enough flexibility for the City Council to have some say as to future uses.

ACTION: Motion by Council members Sasai/Tave to direct staff to draft a resolution and to declare the Faria House and the Property at 2100 San Pablo Avenue as “Surplus Land” pursuant to the Surplus Land Act (Gov. Code § 54220 et seq.) and return to the City Council for adoption, and to direct staff to take all the necessary steps to sell the Faria House and the property at 2100 San Pablo Avenue as outlined in the received City Council report.

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

Council member Martinez-Rubin offered a motion for staff to prepare for the City Council the projected costs associated with the Faria House if the City were to retain the property, or not, which would help inform the decision to be taken on the status of the home.

City Manager Murray advised that information had been addressed as part of a prior discussion and he reported it had been estimated it would cost \$50,000 per year for the City to maintain the property.

Council member Martinez-Rubin rescinded her motion. She offered a new motion for City staff to prepare a brief report with a list of possible funding sources for the Faria House to be used as a public space that would enhance the to-be-created Public Art Program.

Mayor Murphy noted there would be a Grants Management Policy upcoming at a future City Council meeting with a Request for Proposal (RFP) around that work and possibly that request could be integrated as part of the work with the consultant.

Mayor Pro Tem Toms reported that over the years she had been on the lookout for grant ideas and she had approached people who processed the federal programs through the County's Community Development Block Grant (CDBG) Programs a few years ago. She had been informed at that time that a museum in the City of Pinole would not qualify for that funding source due to the City's income levels and demographics.

There was no second to the motion.

D. Racial Equity in Pinole [Action: Receive Report (Murray)]

Assistant to the City Manager Fiona Epps provided a PowerPoint presentation on Racial Equity in the City of Pinole, which included an overview of current information on equity indicators and the assessment of equity in the community over time, also summarized in the July 18, 2023 staff report. The difference between equity and equality; equity approaches to employment, housing, education, access to health care and public safety; proxy measure for racial integration of a community, access to health environments and income distribution were all highlighted.

The racial composition of the City of Pinole; research on racial segregation in the San Francisco Bay Area conducted by U.C. Berkeley, The Othering and Belonging Institute and the results specifically for the City of Pinole; communities in the Bay Area most affected by cumulative pollution impacts, which information would be incorporated into the Draft of the Environmental Justice Element that also included information on 62 housing units in Pinole as part of an impacted community were also detailed. It was noted that Municipal associations were examining their own organizations and providing case studies and other resources to member cities working on Diversity, Equity and Inclusion (DEI) Resources. Examples of what some nearby cities were doing as part of equity were also provided for the cities of Concord and Richmond, and Sonoma County.

The City of Pinole was currently in the midst of an internal DEI Initiative with planning spearheaded by the Human Resources and City Manager's Departments, measuring the inclusivity of the City's work environment. A consultant who had worked with other Bay Area cities had been hired to provide training to staff on inclusivity and related skills, with a staff working group to be established to advance DEI in the City organization in the future. As part of the next steps, the City would continue to build on its internal DEI Initiative, identify shared equity values, carry out equity values and update the City Council.

Mayor Murphy commented on the work place aging and equity issues in the City and asked how that had shown up in the research and how staff considered the approach, and Assistant to the City Manager Epps recalled a survey of City staff had addressed all different areas including diversity in age, income, race, ethnicity, gender identification and sex.

City Manager Murray reiterated the next steps included setting up a staff working group that over time would examine all City programs with respect to equity for all protected classes including age.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, spoke to the racial equity lens and referenced Page 292 of 293 of the agenda packet, and the statement in the staff report that *Pinole ranked fourth highest among the 101 Bay Area cities in terms of how similar Pinole's ethnic composition is to that of the Bay Area overall. However, that research also revealed that Pinole is only average among Bay Area cities in terms of integration at the neighborhood level ("intra-regional divergence"). By this measure, Pinole ranked 44th out of 101*, and the most recent version of the Housing Element that had been submitted to the State on June 6, 2023, Pages 148 and 149, included a dissimilarity index for race and ethnicity. He read into the record the figures as shown in this section, which highlighted the City had already looked into equity considerations in the Housing Element and had that data available.

Mr. Menis encouraged the public and the City Council to use that data when considering an equity lens and approaches the City may take to further equity. While the City was diverse, it was not integrated; and while steps had been taken over the past decade when reviewing past Housing Elements, particularly for the Pinole Valley which had shifted from a predominantly white region to a more racially integrated region as of 2020, the City would continue to have significant equity impacts that needed to be considered when considering actions of equity.

Cordell Hindler, Richmond, stated it was his idea for this item to be placed on the agenda, and he recalled at the June 20, 2023 meeting there had been an item in the budget for a consultant for DEI. He thanked City staff and the City Manager's Office for the presentation.

Tony Gutierrez, Pinole, asked whether people with disabilities were a protected class and whether they would be taken into consideration as part of a DEI Initiative, and City Manager Murray confirmed that physical ability was one of the protected classes considered for equity.

PUBLIC COMMENTS CLOSED

Mayor Murphy looked forward to the results from the ongoing efforts of the DEI Initiative.

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

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

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

Cordell Hindler, Richmond, was disappointed the meeting had started 40 minutes late, which he found unprofessional with people waiting for the meeting to reconvene. He suggested the City Manager had done a very good job as City Manager providing items of interest to the City Council and the community and he thanked Fire Chief Wynkoop for his service and wished him well on his deserved retirement. He also spoke to the position of Assistant City Manager and having looked at other jurisdictions in the Bay Area, the Assistant City Manager was the second in command when the City Manager was not present. He otherwise remained disappointed when Anthony Vossbrink called into City Council meetings his comments were not heard and having looked at other jurisdictions in West County individuals were allowed to complete their comments. He urged the City Council to listen to its constituents.

Anthony Vossbrink, Pinole, commented the telephone number for Zoom was still not displayed on the screen for those desiring to call into the meeting remotely, which may discourage public participation. He commented he had been unable to complete his comments on many occasions due to the format of the remote feed for Zoom. He also expressed disappointment the City had canceled the Fourth of July fireworks with no information on the City website or signage posted in the community in a timely manner to notify the public of the cancelation by the Fire Marshal due to fire safety concerns, although the City Council had voted to hold the event. He pointed out the grounds around the Wastewater Treatment Plant were unkempt and the Public Works Department should do a better job with needed maintenance, which work should be overseen by the City Manager.

Tony Gutierrez, Pinole, again spoke to Item 12D and clarified with the City Manager as part of the consideration of a DEI Initiative all forms of disabilities would be a protected class.

14. ADJOURNMENT to the Regular City Council Meeting of August 15, 2023 in Remembrance of Amber Swartz.

At 11:28 p.m., Mayor Murphy adjourned the meeting to the Regular City Council Meeting of August 15, 2023 in Remembrance of Amber Swartz.

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council: August 15, 2023

