

**CITY COUNCIL MEETING
MINUTES
June 25, 2024**

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 Toms called the Special Meeting of the City Council to order at 5:01 p.m. and led the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT

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

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

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

A. COUNCILMEMBERS PRESENT

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

B. STAFF PRESENT

Neil Gang, Interim City Manager/Police Chief
Heather Bell, City Clerk
Eric Casher, City Attorney
Markisha Guillory, Finance Director
Sanjay Mishra, Public Works Director
Jeremy Crone, Pinole Police Commander
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on June 20, 2024 at 11:30 a.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.

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

City Attorney Eric Casher provided a report from the June 12, 2024 Special City Council Closed Session meeting to interview City Manager candidates. There was no reportable action from that Closed Session; however, an Employment Agreement was expected to be brought forward on July 2, 2024 for City Council approval.

4. CONVENE TO A CLOSED SESSION: None

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

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

There was no 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.

Bob Kopp expressed concern with the City's deficit and asked why the City had given the County a quarter of a million dollars to give the City back certain things once the City had found out it could ask for those things. He questioned why those funds had been spent since taxpayers would receive little benefit. He also asked why two Council members who had attended college had to have interns to help them do their jobs when interns had not been provided to Council members in the past. He stated those funds could have been better spent in the Police Department given his understanding the City would not add officers to the street, although help was needed, and stop-signs were non-existent, particularly along Pinole Valley Road where traffic traveled at a high rate of speed. Further, the Public Works Department needed help filling potholes and he asked the City Council to redirect funds. He reiterated if the City was facing a significant budget deficit, the City could not afford to use funds to help two Council members do their jobs and he expressed the willingness to be the first to put forth funds for a recall effort.

In response to the Mayor, Mr. Kopp understood there was a County program to help with the change from natural gas to electricity.

Mayor Toms clarified the program referenced was not for the County but for residents.

Lecia Rohrbach, a member of the Pinole Police Department for the past seven years, expressed concern with the openness of the window at the Police Department and requested safety glass since she had been attacked on the job two weeks ago. While she had been lucky the person who had attacked her did not have a weapon and sworn personnel had been present to assist, her mental health had been damaged and she was afraid to be on the job. The safety glass window had been a hot topic and many had questioned why employees were so exposed. She understood there was a proposal to spend \$600,000 to rejuvenate the Police Department but nothing had been included to address the safety of employees.

A safety assessment had found there to be a significant safety liability at that location in the Police Department and Ms. Rohrbach asked that her safety be considered a priority as part of the proposed rejuvenation project and that safety glass be added.

Ana Avila, President Local 1, speaking on behalf of the members of Local 1, expressed gratitude for the efforts underway from Commander Matt Avery for a plan for the safety of the counters at City Hall and the Pinole Police Department. She referenced the comments from the prior speaker and asked the City Council to direct staff to allocate funds and make the safety of employees their number one concern. She thanked the City Council in advance for its efforts to remedy the situation that had taken place at the Police Department.

Rob Sexton commented that the condition of City streets had become worse and he wanted to know when repairs would take place. While he understood surveys had been taken, Pinole Valley Road, in particular, was in poor condition, was rutted, with no striping on the street almost all the way to the County line, and no striping along Wright Avenue. A resident of Jordan Way, he stated the street had almost turned into a dirt road making it difficult to keep vehicles clean, with rocks on the sidewalk and in his own driveway and garage. He stated the street sweeper had made more of a mess of the area than if it had not come through the neighborhood at all. Tired of the mess and nothing being done, he asked about the status of street repairs.

Amy Eubanks, President, Pinole Police Employee Association (PEA), read into the record a letter from a union member who wished to remain anonymous. The letter raised concerns related to the City's budget deficit and the lack of support in hiring additional police officers to fill vacancies created by officers leaving the Police Department, a number of criminal incidents in the community had been cited, a recent community survey had not supported budget reductions in the Police Department, there had been a lack of discussion to reduce Fire Department services and questions as to why that budget was exempt. The union member hoped the points raised would encourage the City Council to focus on reducing harm to the community, increasing public safety and becoming inclusive of the community's voice.

Rafael Menis reported on the COVID-19 rate in the community based on the Centers for Disease and Prevention Control (CDC), with the wastewater concentrations in nearby areas showing a substantial increase in COVID-19 levels in past weeks, with the hospitalization levels having leveled off at 4 or 3.8 per 100,000. He encouraged people to get their booster shots and at-risk populations to wear masks indoors and in crowded areas until COVID-19 rates declined.

Irma Ruport stated the problems in the City had started long ago and were not borne by the current City Council in that City streets, in particular, had been in poor condition for years. She suggested people needed to follow the problems where they started and where they had not been solved. She also referenced Page 3 of the meeting agenda and cited the Ralph M. Brown Act, which regulations she read into the record. She understood the Chief of Police would retire this year and found it unheard of for a current Interim City Manager and Police Chief to announce his own job, which was unfair and not productive. She suggested that vacancy should be deferred pending the hiring of a new City Manager, and that person should decide with the City Council the best person to be Police Chief.

Ms. Ruport also reported that KRON Channel 4 had reported that Pinole Pride would be featured on June 26, 2024 at 6:30 p.m., with an interview with Council member Murphy, which she hoped would be rebroadcast on Pinole Community Television (PCTV) Channels 26 and 28.

Debbie Long spoke to the actions of Council member Murphy and Mayor Pro Tem Sasai and the collusion she suggested had occurred to result in the cancelation of the June 18, 2024 City Council meeting given that Council member Tave was on vacation and the majority would not be available to pass the agenda item for an elected paid Mayor to be placed on the November ballot. She suggested how the two had colluded to be absent from that meeting to deliberately leave the Council without a quorum to avoid a loss on a vote they supported. She suggested the same had occurred only once in the past, which had resulted in the 2008 recall.

Ms. Long added for those who wanted a Town Hall to discuss the sewer rate increase, this meeting could have been that meeting but instead that discussion would be held on July 2, 2024 when more people would be out of town for the holiday, a win-win for the Mayor Pro Tem and Council member Murphy all the way around. She suggested both men deflected from the democratic way and lied to deceive the public. She commented that to lie and deceive - what a great example and lesson for the \$30,000 a year interns they mentored. She hoped people would remember their disrespect of the process.

Peter Murray referenced a report from the League of California Cities that discussed the State of the State and Governor Newsom, which reported the Governor's Head of Staff had coerced District Attorneys groups about their wanting to put a proposition on the ballot to restore the penalties for crimes, particularly against retail establishments and crimes in general, which had been a political ploy to keep the proposition off of the ballot because once amendments were made to Proposition 47, crime rate statistics would increase and then politicians would be held accountable for prior decisions. He suggested that was how crime statistics were manipulated, which should be noted for the record.

Anthony Vossbrink echoed the comments from Debbie Long and stated he had been taken aback by the cancelation of the June 18, 2024 City Council meeting as had some of his neighbors who wanted to tune into the meeting and/or add to public comment. He pointed out the meeting had been canceled that afternoon around 3:30 p.m. and he asked why the public had not been provided better notice of the cancelation and why a cancelation notice had not been posted on PCTV, and he questioned whether there had been collusion amongst some at City Hall. He suggested there should be an investigation into whether the Brown Act had been violated. He added he had also been disappointed during a prior City Council meeting when not for the first time, the Mayor had closed the meeting while he remained on hold to make public comments.

7. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations: None

B. Presentations: None

8. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Toms reported she had a tour of Vista Woods which was close to receiving a Temporary Occupancy Permit for a portion of the development.

Mayor Toms added that she had also attended the Mayors' Conference in the City of Pittsburg with a presentation from the County Librarian on the status of the Countywide Library system; Pride and Juneteenth events, thanking all City staff who had prepared the event; Municipal Code Update Ad-Hoc Subcommittee meeting to finalize a number of ordinances; Earthquake Country Alliance Bay Area Spring 2024 Workshop in Rossmore and the Special City Council meeting of June 12, 2024. She reported the WestCAT meeting for the month of June had been canceled but she had also participated in the Upper Pinole Creek Watershed Clean-Up with Friends of Pinole Creek and Car Show, and thanked all volunteers and City staff for a successful event. Via Zoom, she had participated in a policy committee meeting of the League of California Cities for the Housing, Community and Economic Development Committee and briefed the City Council on the discussions on economic development in Oceanside, CA and the Justice for Renters Act.

Mayor Toms added that the City Council would hold a meeting on July 2, 2024 to consider an Employment Agreement for a new City Manager and ordinances that had been carried over from the past week, and once the meeting was closed at 7:00 p.m., a workshop would be held to discuss proposed sewer rates. She stated the Police Department would participate in the Northern California Law Enforcement Torch Run on June 26, 2024 with Pinole Officers to take the Special Olympics torch from the City of Hercules Police Department at the Community Corner at 8:45 a.m. Spectators were welcome to come out and support the torch run as it made its way down to the University of Santa Clara for the start of the Special Olympic Games to commence on Friday, June 28, 2024.

B. Mayoral & Council Appointments: None

C. City Council Committee Reports & Communications

Mayor Pro Tem Sasai was pleased to have joined the Filipino Bar Association of Northern California Annual Gala at which time he had the opportunity to meet Superior Court Judge Benjamin Reyes; attended the Asian American Pacific Islanders Lead Summit (AAPL) and met with regional leaders to discuss retail theft and public safety; and a Municipal Code Update Ad-Hoc Subcommittee meeting to finalize a number of ordinances.

Council member Murphy reported he had visited the new Benjamin Moore Paint center on Fitzgerald Avenue; congratulated and thanked staff for the dual celebrations of Pride and Juneteenth and was pleased with the local news coverage for the event that had been featured on KRON Channel 4; and provided updates on the Taxpayer Protection and Government Accountability Act (TPA), which the California Supreme Court had taken off of the November ballot, and the proposed sewer rate increase, and encouraged residents to attend the July 2, 2024 workshop or reach out to him personally to discuss the proposed sewer rate.

Council member Martinez-Rubin reported she had attended the City Managers' Sales Tax Working Group, a statewide group formed by the League of California Cities, which ended its tasks to review possible ways to reform how taxes were distributed in the State of California along with the distribution of sales taxes through County pools. She had also met with the League of California Cities Policy Committee on Revenue and Taxation to review what the City Managers' Sales Tax Working Group recommended along with possible reforms, and as the City's representative had attended a meeting of the Association of Bay Area Governments (ABAG), which had passed its budget and reported there would be a 10 percent increase in ABAG membership dues.

D. Council Requests for Future Agenda Items

Mayor Pro Tem Sasai requested a Council level discussion to implement safety measures in public facilities in the City of Pinole.

In response to the Mayor, Interim City Manager/Police Chief Neil Gang reported while there had been ongoing efforts, having a discussion with input from the community and getting City Council direction was valid.

ACTION: Motion by Mayor Pro Tem Sasai/Mayor Toms to have a Council level discussion to implement safety measures in public facilities in the City of Pinole.

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

Council member Murphy requested as a future agenda item the City Council convene a Closed Session in the form of a Performance Evaluation of the Interim City Manager to solicit his feedback on Best Practices and performance and to inform the benchmarking and performance process of the incoming City Manager.

Mayor Toms asked that the Closed Session occur either July 16 or August 13, 2024.

Council member Murphy understood the Mayor and City Manager set the agenda but agreed those dates would be timely.

ACTION: Motion by Council members Murphy/Tave to convene a Closed Session in the form of a Performance Evaluation of the Interim City Manager to solicit his feedback on Best Practices and performance and to inform the benchmarking and performance process of the incoming City Manager.

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

ACTION: Motion by Council member Martinez-Rubin/Mayor Toms to direct staff to prepare a program description that includes a report back on the Internship Program that includes the objectives of the program and the Citywide accomplishments by the interns supported by tax dollars.

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

Council member Martinez-Rubin requested as a future agenda item that the City integrate the Veterans Day Memorial and Flag Retirement Ceremony, an annual event with a 15-year history among its annual community events.

In response to Council member Murphy, Council member Martinez-Rubin clarified her request would be for a staff report and budgeting for the item so that it would become an annual event with the key sponsor to be the City of Pinole.

As to whether the item should be deferred until the City Council had discussed the budget, also in response to Council member Murphy, Mayor Toms suggested if moving forward the item could be discussed as part of the budget but if not, it would be part of the list.

ACTION: Motion by Council member Martinez-Rubin/Mayor Toms that the City integrate the Veterans Day memorial and Flag Retirement Ceremony, an annual event with a 15-year history among its annual community events.

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

E. City Manager Report / Department Staff

Interim City Manager/Police Chief Gang congratulated and recognized Bob Kopp for another successful Car Show and City employees who provided assistance to support the event. He reported the Fourth of July celebrations would be held on July 4, 2024 at Pinole Valley High School from 6:30 to 9:30 p.m., with live music, food vendors, a community parade and a drone show and he read into the record an email about why such events were so impactful.

Interim City Manager/Police Chief Gang also reported the City Manager selection process had concluded with the reveal to be disclosed shortly, and the Police Chief recruitment process had been implemented with Public Sector Search having been selected and with applications due by July 12, 2024.

Interim City Manager/Police Chief Gang also responded to the public comment and concern whether he, as the Interim City Manager/Police Chief, would have a conflict of interest with respect to the next Police Chief due to his impending retirement, he stated there had been no conflict of interest and while he respected the opinions of the public it had been stated early in the process that the Human Resources Department Director would be heavily involved in the Police Chief selection process. The process would continue until there was a finals list and the new City Manager would make the final selection without his input.

Interim City Manager/Police Chief Gang also provided an update on the disabling of communications and copper theft. The Police Department had arrested two subjects who had been charged with felonies. He also reported on the Northern California Law Enforcement Torch Run on June 26, 2024 with Pinole Police Officers to take the Special Olympics torch from the Hercules Police Department at the Community Corner at 8:45 a.m., and he too encouraged everyone to participate and support the event, with more information on social media.

F. City Attorney Report: None

PUBLIC COMMENTS OPENED (Items 7E through 7F)

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

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 4, 2024.
- B. Receive the June 1, 2024 – June 14, 2024 List of Warrants in the Amount of \$1,465,832.64, the June 7, 2024 Payroll in the Amount of \$502,796.67, and the June 21, 2024 Payroll in the Amount of \$509,646.26.
- C. Adopt Resolution Authorizing the Interim City Manager to Execute the First Amendment to the Agreement with Client First Technology Consulting to Provide Professional Support Services Related to Instant Solar Permitting. **Action: Adopt Resolution per Staff Recommendation (Lilly Whalen)**
- D. Adopt a Resolution Authorizing the Interim City Manager to Execute the First Amendment to the Agreement with Strategic Energy Innovations (SEI) to Extend the Climate Fellow Contract by Two Months. **Action: Adopt Resolution per Staff Recommendation ((Lilly Whalen)**
- E. Adopt a Resolution Authorizing the Interim City Manager to Execute an Agreement with Client First Technology Consulting to Provide Professional Support Services for Three Years to Maintain and to Support Land Management System Administration and Geographic Information System Maintenance for New Community Development Permit Tracking and Online Application System. **Action: Adopt Resolution per Staff Recommendation (Lilly Whalen)**
- F. Letter of Support for AB3259 Regarding Transactions and Use Taxes: **Action: Consider Approval of Letter per Staff Recommendation (Fiona Epps)**
- G. Placement of Liens on Delinquent Unpaid Waste Collection Charges Falling Delinquent Between January and April 2024, Considered at an Administrative Hearing on June 6, 2024. **Action: Adopt Resolution per Staff Recommendation (Roxane Stone)**
- H. Award Construction Contract for Pinon Trunk Sewer Capacity Phase 2 Project (CIP Project No. SS2401). **Action: Adopt Resolution per Staff Recommendation (Sanjay Mishra)**

- I. Adopt a Resolution Approving a Revised Compensation and Benefits Plan for Management and Confidential Employees. **Action: Adopt Resolution per Staff Recommendation (Stacy Shell)**
- J. FY 2024/25 Appropriations Limit. **Action: Adopt Resolution per Staff Recommendation (Markisha Guillory)**
- K. Call Election for City Council Seats and City Treasurer Seat, Request Consolidation of the Pinole Municipal Election on November 5, 2024 with Contra Costa County and Set Specifications of the Election Order. **Action: Adopt Resolution per Staff Recommendation (Heather Bell)**

Council member Martinez-Rubin requested the following revision to Item 9A, the minutes of the Regular City Council meeting on June 4, 2024: Page 21 (Page 27 of 586 of the agenda packet) the last bullet as shown to be amended to read:

- *Clarified the CERT Program for supplies from the Police Department budget had been included on the one-time list and had not been recommended for reduction. (Martinez-Rubin)*

PUBLIC COMMENTS OPENED

Irma Ruport speaking to Item 9I, commented that she was a retired government employee. She referred to the City Council's adoption of the Compensation and Benefits Plan for Management and Confidential Employees on October 17, 2020, and noted Item 9I stated that staff required some of the benefits to be recalculated. She expressed concern whether mistakes were being made and asked that salaries, categories and steps and Cost of Living (COLA) figures be identified. She asked whether the Plan would affect the current budget. Also, having a Human Resources background, she questioned the frequency of compensation plans for employees and again asked whether or not figures were being miscalculated.

Rafael Menis provided the following comments on the Consent Calendar:

- Item 9A, Page 28 of 596 of the agenda packet, revise the last sentence of the first full paragraph, to read:

He [Mr. Menis] asked whether it would be better to not force the Police Department to a 4/10 schedule in order to maintain the potential to deal with a catastrophic fiscal event, which would require six months of reserve or is it better to provide a better quality of life for the Police Department to offset some of the costs imposed on the community and have a slightly lower reserve, which would have ongoing impacts in the future.

- Item 9B, Page 45 of 586 of the agenda packet, Vendor CON09 – Contra Costa County Fire Protection District (CCCYPD) permit fee for the Pinole Car Show, asked why the City was paying a fee to the CCCYPD for a car show. Page 47 of 586 of the agenda packet, Vendor: HOM01 – Home Depot Credit Service, a series of purchases in various amounts were shown which had no information to identify what the purchases were for. Pages 49 and 50 of 586, Vendor MEY01 – Meyers Nave, A Professional Corporation, amount paid for the MVP Construction LLC Dispute was significantly greater than other line items, and he asked

whether it was due to a trial, increased costs or other. Page 50, Vendor O-R01, O'Reilly Automotive, Inc., a series of Citywide purchases with no detail. Page 52, there was an entirely separate subsection for Vendor: 2817 – Redwood Public Law, LLP, and asked whether the invoices overlapped with the invoices shown for Vendor MEY01 – Meyers Nave, A Professional Corporation. And Page 55, Vendor USB06 – US Bank had shown only one entry for Citywide credit cards with no detail provided on the purchases.

PUBLIC COMMENTS CLOSED

Responding to the public comment, Human Resources Director Stacy Shell reported with respect to item 9I that the City Council held labor negotiations with the management and confidential group and the revision to the Compensation and Benefits Plan for Management and Confidential Employees was a result of those labor negotiations, which included a sick leave payout, modifications to Section 125, Flexible Spending Account due to Internal Revenue Service (IRS) regulations and a four percent Cost of Living Adjustment (COLA) to align that bargaining unit with other bargaining units.

Finance Director Markisha Guillory added the revisions in Item 9I had been accounted for in the budget that had come before the City Council and had been included in the Final Proposed Budget. In response to the questions raised by Mr. Menis for Item 9B, she clarified line items for specific vendors such as Home Depot, O'Reilly Automotive and US Bank Citywide credit cards, included separate lines based on the department using the vendors but given the character limit in the software program, there was only so much detail that could be added to the line items.

Finance Director Guillory confirmed Mr. Menis may contact her in the future after agenda packets had been distributed with any future questions.

ACTION: Motion by Mayor Pro Tem Sasai/Council member Murphy to adopt Items 9A, as amended (by Council member Martinez-Rubin and Rafael Menis) and Items 9B through 9K, as shown.

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

10. PUBLIC HEARINGS: None

11. OLD BUSINESS

A. Final Proposed FY 2024/25 Operating and Capital Budget. Action: Adopt Resolution per Staff Recommendation (Markisha Guillory)

Finance Director Guillory presented a PowerPoint presentation on the Final Proposed Fiscal Year (FY) 2024/25 Operating and Capital Budget, which included an overview of the budget highlights, Final Proposed General Fund and Baseline Budgets, budget balancing strategies, one-time operating budget items, Capital Improvement Projects (CIP) and the Fund Balance Summary.

Finance Director Guillory recommended the City Council adopt a resolution approving the Final Proposed FY 2024/25 Operating and Capital Budget, which would go into effect on July 1, 2024, and provide direction to staff on any amendments.

Mayor Toms commented that during the June 4, 2024 City Council meeting, the City Council had decided to freeze vacant positions in the Police Department. She asked how long the positions had been vacant and whether the Police Department was in the process of filling those positions.

Commander Jeremy Crone explained that the current vacant positions had been vacant on a rotational basis based on the rise and fall of staffing levels, with ongoing and continual recruitment both in lateral and academy graduates for applicants as well as officer-trainees. Currently, there was an officer in background with a conditional job offer and another candidate in process as well as ongoing interviews as part of the recruitment process.

Mayor Toms also commented that during the June 4 City Council meeting, the City Council had decided to freeze a portion of Full-Time Equivalent (FTE) employees for the Public Works Department, with a portion from the General Funds cut. She asked if the word "freeze" was removed, whether staff could identify other non-General Fund revenues to pay for those employees.

Finance Director Guillory advised the two positions had already been allocated, with the General Fund portion shown in the staff report. As an example, the Capital Improvement Projects (CIP) Program Manager had been shown at \$40,000, which was the General Fund portion with the rest of that position allocated to other sources such as gas taxes and other Capital Improvement Program (CIP) funds. The same was true for the Associate Civil Engineer, with \$87,000 funded by the General Fund and the remainder funded by other funds.

Mayor Toms asked if the City Council were to determine not to fund the positions and also not to freeze them, whether that would leave options open for a grant program to fund the positions.

Public Works Director Sanjay Mishra confirmed that may be possible because there were grant-funded projects and positions may be able to be funded through the project itself.

Mayor Pro Tem Sasai clarified with Commander Crone that currently there was an officer in background with a conditional job offer and another candidate identified in the process as well as ongoing interviews as part of the recruitment process. The Police Department budget had recommended the Sergeant position become an officer position to support the movement to the 4/10 Plan.

Mayor Pro Tem Sasai again clarified the two Public Works Department positions for CIP Program Manager and Associate Civil Engineer, and Public Works Director Mishra verified that the CIP Program Manager position had been vacant for some time and without that position being filled he had to obtain assistance from an outside consultant to carry projects forward. If that position were frozen it would impact current and future CIP projects, which could be delayed and grant funding could be affected as well as environmental and stormwater compliance leaving the City in a position of being fined by regulatory authorities. Filling the Associate Civil Engineer position would allow the Public Works Department to take on new projects, such as the Private Sewer Lateral and Sidewalk Projects. Not filling the vacancies would not impact existing projects underway but would impact the ability to start new projects.

Mayor Pro Tem Sasai clarified with Finance Director Guillory the multiple sources of funding for the two Public Works Department positions under discussion as outlined in the June 25, 2024 staff report. He suggested the \$40,000 identified for the CIP Program Manager position could be funded by the surplus. He also clarified with the Finance Director that each year the City would be faced with a budget shortfall, the City was considering a revenue measure in November 2024, and he understood that revenues were steadily increasing but expenditures were also increasing substantially due to a number of reasons such as growth since the City had not added to the head count for years and costs were increasing, and the California Public Employees Retirement System (CalPERS) had experienced losses in its investments requiring the agencies within that system to pick up those costs.

Finance Director Guillory clarified in response to the Mayor Pro Tem that the vacant positions under discussion had already been included in the budget but had been frozen to balance the budget. If those positions were to be added back into the budget, funds would have to be removed elsewhere but would not add to the problems with respect to non-discretionary costs.

Council member Martinez-Rubin understood that taking away funds somewhere meant the City Council would have to go back to the budget and consider what had been proposed at the June 4 City Council meeting or alternatively funds may be shifted in the table summary as shown in the staff report.

Council member Tave referenced the balancing budget strategies for the Police Department and the two positions in process for vacant positions and clarified with the Interim City Manager/Police Chief that if the two positions in the Police Department were frozen, it would affect existing and ongoing recruitment efforts.

Interim City Manager/Police Chief Gang explained in more detail the Police Department's ongoing recruitment processes and when a candidate met criteria they were placed into background. Again, one candidate was in a background position with another candidate in the process.

PUBLIC COMMENTS OPENED

Debbie Long commented in her review of the budget she had concluded the City was no longer working for residents but residents were working for the City and the City Council had a spending problem, as reflected in the numbers from FY 2021 to the proposed FY 2024/25. Her analysis had been based on information presented during the June 4 City Council meeting, and she highlighted the salaries and benefits for the two Police Department positions from FY 2021 as compared to FY 2024/25, a 68 percent increase in four years. She also identified unaccountability in the City Council budget as another example of overspending, such as \$30,000 for stipends for internships which could be readily removed, discretionary spending of \$21,850 of which Council member Murphy had spent almost \$7,000 or 33 percent without any accountability to taxpayers, and another \$15,000 appropriated to the City Council for office furniture totaling \$66,850, as compared to when she had left the City Council, equating to a 101.25 percent increase. She recommended the City Council reduce discretionary spending back to \$7,500.

Ms. Long also suggested since the Fire Department budget could not be adjusted due to the contract, that the same respect be shown to the Police Department and that the City Council not touch that budget at all.

Ms. Long emphasized that crime was increasing, the community was attuned to that and she cited Proposition 47 and suggested if anyone was not respectful of the Police Department budget and the needs of that department there would be a difficult time in the polls in November. She added that \$150,000 or more had been spent on the severance package for the former City Manager but in January of 2023, the City Council had approved the former City Manager's contract and had then removed him in August/September, which she described as a simple matter of the Council majority not understanding the budget and its process.

Irma Ruport found that institutional memory had been lost, pointing out that during the recession the majority of City staff had been furloughed/retired since the City did not have the money and City services had been reduced, and the current City Council had inherited the resulting mess. She recommended a review of all City Departments, recruitment and number of employees, noted that some were lacking while some had grown, the Police Department was down three employees, and she suggested that past City Council members were responsible for much of the mess the City had found itself in since it did not believe in grants and other revenue resources. She suggested revisiting some of the issues, that department heads be stricter with their budgets, and that solutions be sought. She hoped everyone would learn from the lessons of the past.

Rafael Menis suggested that if the City wanted to reverse the proposed freezing of the police positions the City would need to find \$560,000 somewhere in the budget, and if cross comparing to the June 4, 2024 budget, the 10 percent reduction data points (Pages 312 to 315 of the agenda packet for the June 4 City Council meeting), few cuts could reach that level and the main possibilities were in the non-departmental reduction of operating subsidies, which would have significant detrimental staffing impacts for the Community Services and Recreation Departments. The most likely option would be massive cuts to other departments or going back into the reserves and dropping the reserves from 45 to 40 percent, and making it explicitly clear to the community that if the sales tax measure in November did not pass in order for the City to rebuild the reserves the City would have to freeze the Police Department positions. He suggested it would be better for the City strategically to restructure in that way since the public opinion from the survey was in favor of not making cuts to the Police Department.

Amy Eubanks, President, PEA, referenced the community survey generated at the direction of Council member Murphy, which was overwhelmingly in support of not cutting services in the Police Department budget. She highlighted the survey results, and while she understood the allocated funds for the frozen Police Department positions was a lot including pensions and benefits, she proposed the City Council consider dipping into the reserve fund and possibly drop it down to 30 percent, which was the average for many cities. She understood the City's financial difficulties but emphasized the public wanted the Police Department to be staffed and cuts to Police and Fire should never be considered when trying to balance a City budget.

Peter Murray also referenced the community survey and questioned why Police and Fire were always considered for cuts and also questioned whether that was a setup for the future tax measure. Police and Fire were primary obligations for a City to keep residents safe and he questioned shaping the budget on the back of public safety. He also expressed concern reducing the reserves, which were difficult to grow and if reduced given that the City was already in crisis, that crisis could be exacerbated when the contract with the CCCFPD ended and the City could be faced with even greater challenges. He questioned the fact the City Council had not locked down the CCCFPD contract so the City would not be exposed to additional costs.

Mr. Murray also pointed out the proximity of the Hayward Fault and suggested \$10 million would be nothing when facing a disaster and covering the costs, particularly for a small city such as Pinole. In addition, the reserves were there for employees' benefits to smooth the State's bumps and had been spent down faster than anticipated when the reserves had initially been established. He hoped the City Council would put good effort into the budget and not dip into the reserves.

PUBLIC COMMENTS CLOSED

Council member Martinez-Rubin referenced the budget balancing strategies and suggested to fund the \$40,000 for the CIP Program Manager position, funds could be reduced elsewhere including \$10,000 in the City Council budget allocation for a Retreat Planning Workshop that could be reduced to \$5,000. The City Manager's Office had DEI Consulting at \$40,000 and that item could be reduced to \$20,000. The Police Department had the Community Emergency Response Team (CERT) program supplies at \$20,000, which could be reduced completely since the CERT Program had not begun and those funds in turn could be used to increase the amount currently allocated to the CIP Program Manager position and allow the City to continue some of the projects programmed in the CIP.

After the comments, Council member Martinez-Rubin realized and Finance Director Guillory noted some of the items involved one-time operating budget allocations, which would not help to address the structural deficit in the General Fund.

Mayor Toms commented there had also been a discussion about taking some of the funds from the reserves, which were also one-time funds.

Council member Martinez-Rubin understood if reducing the amounts in the one-time funds, the Council could avoid using that much of the reserves, and if that was doable, she again recommended the City Manager's budget for DEI Consulting at \$40,000 be cut in half, the City Council budget line item for a Retreat Planning Workshop be reduced to \$5,000 and CERT program supplies in the Police Department budget be eliminated altogether, totaling \$45,000.

Mayor Toms suggested the EOP Training Citywide line item in the City Manager's Office budget was a program that had been offered for free by the County Office of Emergency Services and that item could be reduced entirely providing an additional \$20,000.

Council member Martinez-Rubin commented that those were the smaller amounts, with the bigger conversation going back to the reserves. She asked the Finance Director to explain the General Reserves Policy.

Finance Director Guillory highlighted the General Reserves Policy, which allowed the City to use the funds in times of economic distress and with the City Council to work towards replenishing the funds as quickly as possible, and in the upcoming fiscal year at the discretion of the City Council, the reserves could be built up over time.

Council member Martinez-Rubin hoped to have discussions about replenishing the General Reserves at a future meeting. She also commented on the anticipation of the half-cent sales tax measure and if it were to pass in November 2024, the City would not realize any additional funds until later in the fiscal year and she did not want the City Council to count on that money.

Council member Martinez-Rubin also recognized the City had to provide essential services, such as public safety, police and fire and given that she would like the City Council to consider the use of the General Reserves to meet the costs of the positions for the Police Department, start clean and not have any of those positions frozen.

Council member Martinez-Rubin made a motion to retain the positions in the Police Department, keep them in the budget, and pay for them by drawing from the General Reserves.

Mayor Toms understood the motion was for Items 9 and 10 on the budget presentation, which totaled \$203,831 for the Sergeant position and \$356,472 for the two Police Officer positions to come out of the General Reserves. She seconded the motion.

On the motion, Council member Tave wanted a better understanding of the positions that had been approved in the last fiscal year. He asked whether the positions had ever been filled and whether the Police Department had ever been fully staffed.

Interim City Manager/Police Chief Gang advised that during his tenure as Police Chief, the Police Department had been fully staffed for a very short period of time given a number of recruitment challenges but staff and the Human Resources Department had done a great job improving the recruitment criteria. The Police Department was currently at a five percent vacancy rate, which was very low for the area.

Council member Tave recognized the challenges of balancing competitive salaries and retention and ensuring officers were not overworked. He emphasized the importance of the upcoming sales tax measure and the prior discussions of the City Council when considering a 6 and 10 percent reduction in all City Departments. Of the total number of staffing vacancies, he understood only two could be covered by the General Reserves. Given the short window of July 1, 2024 to January 1, 2025, the City Council would have more information to have this discussion again at the mid-year budget review to know where the City was and learn whether the November ballot measure had passed or not.

Council member Tave objected to going too far into the reserves and recognized that prior City Councils had worked hard to build that reserve balance. He reiterated the City would be in a better position in January 2025 to know where they were and where the City was heading and there should be a discussion at that time. Rather than piecemeal cuts, he found the City Council made good decisions based on the recommendations provided and there had been a good faith effort to try to balance things with the understanding there would be a better discussion in January.

Council member Murphy did not want to go over the budget line by line since he found the work had been done. He was glad there were new ideas but suggested the City Council had narrowed down what needed to be done. When elected in 2020, he noted the occurrence of the pandemic when the City had issued COVID-19 business support grants, citywide communications had been enhanced and he acknowledged in some ways the City had moved past the peak of the pandemic but in some ways was still dealing with an emergency given the fact expenses had highly increased for a number of reasons including providing competitive salary increases for staff, while additional revenues had not kept pace. The City Council had consistently supported endeavors and initiatives from different City Departments that had built resiliency into the City.

Council member Murphy acknowledged he had been the sole vote to not reduce the General Reserves during the June 4 City Council meeting, and while he was now supportive at the same time he held to the values of why he struggled to reduce the General Reserves. His intent was to preserve and save jobs for the long-term, and he wanted people to know where they were at this time, and know it was a long call ahead and this was a long-time conversation in that he and the City Council had been speaking of these issues for the past four years.

Council member Murphy appreciated the sentiments and again emphasized the importance of the resiliency of the City long-term and whether that involved sacrifices whether freezing positions or a long-term sacrifice if the ballot measure did not pass in November. He asked people to think of the type of budget advocacy needed. He again recognized the concerns and frustration and suggested working collaboratively to move the City forward and to him that meant preserving existing jobs.

Council member Murphy noted the City had both a 10- and 20-year forecast that demonstrated both a need for additional revenue and challenges along the budget, which he pointed out was not due to the CCCFPD contract since the City had secured \$2 million a year for that contract, which had come from a different revenue source. The City had also consistently developed a grant management and research strategy to seek and continue to seek grant opportunities in all City Departments including the Public Works Department.

Council member Murphy looked forward to more conversations and challenged residents to see a way not to make strong claims for no cuts whatsoever but how might we create a city that had resiliency and move that forward, which would take a collective group responsibility to pass one measure but also seek additional revenue sources. He supported the staff recommendation and while not one he liked, he was content with and he thanked staff for responding to all of the questions asked.

Mayor Pro Tem Sasai, also speaking to the motion, did not support going through the budget line by line given the past discussions where those decisions had been made. He was challenged making decisions about staffing at this time given the big question was the status of the November ballot measure, and he recognized that while polling looked good, discussions during the mid-year budget would be a real challenge if the tax measure did not pass in November.

Mayor Pro Tem Sasai acknowledged and empathized with the public safety concerns and he wanted to balance the long-term fiscal sustainability of the City and not have to furlough employees but also maintain the public safety of the community. He saw the budget as a reflection of the values and needs of the community.

Mayor Pro Tem Sasai wanted to offer a substitute motion and asked if a substitute motion would take precedence over the motion on the floor.

City Attorney Casher and the Mayor both noted there was a motion on the floor, which had been seconded, and the Mayor stated she had not had the opportunity yet to provide comments on the motion.

City Attorney Casher commented that after all comments were taken on the motion the moving Council member may entertain a substitute motion to the initial motion.

Mayor Toms explained that she supported the motion to unfreeze the three Police Officer positions and use reserves since a lot of the reserves had been built up using Measure S funds that had been deemed for public safety, and this was the time when it was needed. She referred to two major things that would happen between now and November; a new City Manager who could dig into the budget and provide structure as far as where the City could go, and the success or not of the November ballot measure would be known and there would be an opportunity for mid-year adjustments. She did not want to lose the opportunity for two recruitments that were close to hiring and emphasized the difficulty of public agencies recruiting police officers and there were constant changes and movement of staff between organizations. She added that while the motion was not ideal, there were a lot of things the City Council could work on in the coming year to address the challenges.

Mayor Toms added the public surveys were clear that this was an issue the public wanted to address; the City asked, the public told them and they needed to listen.

Council member Tave suggested this was the second band-aid meaning they were going another five percent into the reserves. He found the first band-aid to be a good compromise to the situation the City was in, and in the next two to three months the City would have a clear understanding with the second band-aid of where the City was at and its ability to be prudent in how City monies were spent. He appreciated the intent of the motion but commented that staff was still needed in the Public Works Department.

Mayor Toms called the question.

City Attorney Casher advised that there was a motion on the floor from Council member Martinez-Rubin, which had been seconded by the Mayor. He stated Council member Martinez-Rubin may entertain a friendly amendment to her motion or accept a substitute motion, but if unwilling there needed to be a vote on the existing motion, and he acknowledged subsequent motions could follow.

Mayor Pro Tem Sasai offered a substitute motion to lift the hiring freeze on the CIP Program Manager position, Associate Civil Engineer position in the Public Works Department and two of the sworn officer positions, add the allocations back to those positions and withdraw the difference from the General Reserves net of the surplus of \$40,465.

Mayor Toms understood the motion was to lift the freeze but asked about the funding.

Mayor Pro Tem Sasai reiterated his motion.

Mayor Toms understood the motion, as stated, would be \$87,409, \$40,178 plus the two vacant police officer positions at \$356,000 and \$472,000, which the Mayor Pro Tem confirmed.

Council member Martinez-Rubin pointed out the substitute motion would dip into the General Reserves at a greater amount than she had proposed.

Mayor Pro Tem Sasai asked Finance Director Guillory about the General Reserves percentage associated with Council member Martinez-Rubin's initial motion, and she stated she would have to calculate the figures.

Finance Director Guillory noted there was a \$40,000 surplus and if the CIP Program Manager allocation was covered, that would be shifted over and the withdrawal from the General Reserves would be net of that amount, so the amount of the two officers; \$356,000 plus the \$87,000 for the Associate Civil Engineer would represent an additional three percent in the General Reserves. Of the two motions and which would dip more into the General Reserves in response to Mayor Pro Tem Sasai, she clarified the first motion would represent an approximate \$117,000 difference.

Mayor Pro Tem Sasai suggested his substitute motion offered a good middle ground, there were opportunities to revisit during the mid-year budget adjustment, and the City would know the outcome of the ballot measure in November offering more context to see whether the hiring freeze could be lifted for the additional Sargeant position.

Council member Martinez-Rubin understood the intent of the substitute motion would allow the City to continue recruitment for positions in the next several months and the City would know whether those positions were filled and any additional news or circumstances about the ballot measure in January. She accepted the substitute motion.

City Attorney Casher stated with a new substitute motion a second was needed.

Council member Murphy seconded the motion.

Council member Tave acknowledged the upcoming election and expressed a preference that the City Council be more conservative and cautious, and because of that he did not support the motion.

Mayor Toms asked for a roll call vote.

The motion was again restated by the City Clerk in response to Council member Murphy and with the Finance Director clarifying it would bring the General Reserves down to 43 percent.

ACTION: Motion by Mayor Pro Tem Sasai/Council member Murphy to lift the hiring freeze on the Capital Improvement Plan Program Manager position, Associate Civil Engineer in the Public Works Department and two of the sworn officer positions, add the allocations back to those positions and withdraw the difference from the General Reserves net of the surplus of \$40,465.

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

Council member Martinez-Rubin recognized the intent at this time for the City Council to adopt a balanced budget and acknowledged a future discussion would have to occur about other reductions that fell into the category of one-time operating budget items.

ACTION: Motion by Council members Tave/Murphy to adopt the Final Proposed FY 2024/25 Operating and Capital Budget.

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

- B. Approval of Fiscal Year (FY) 2024/25 through 2028/29 Five-Year Capital Improvement Plan. Action: Adopt Resolution per Staff Recommendation (Sanjay Mishra)**

Public Works Director Mishra provided a PowerPoint presentation on the Fiscal Year (FY) 2024/25 through 2028/29 Five-Year Capital Improvement Plan, which was used to identify and implement the City's capital needs, contained 38 capital projects and five infrastructure assessments, for FY 2024 there were 35 capital projects slated for work and five infrastructure assessments in the project categories of facilities, parks, sewer, stormwater, streets and roads and infrastructure assessments. He also provided an overview of the summary of projects for the Final Proposed CIP for FY 2024/25, schedule, budget summary and fund details for the various projects in the CIP, Public Works Department staffing and how freezing positions would affect the work of the Public Works Department.

PUBLIC COMMENTS OPENED

Rafael Menis stated he was also the Chair of the Planning Commission. He referenced CIP Project #FA2302, Plum Street Parking Lot Improvements, which the Planning Commission found was not in conformance with the General Plan. He noted that Page 504 of 586 of the agenda packet had identified the project as meeting several General Plan goals and policies the Planning Commission had specifically found the project would not meet. If the City Council chose to adopt the item, he asked whether it would adopt #FA2302 and override the Planning Commission decision, whether the information on Page 504 would be adopted absent #FA2302, or whether the item would be adopted without General Plan justification.

Irma Ruport found the Public Works Director had done a great job and she would like to follow-up on some of the projects to make sure they got done. She asked that the contractors/consultants be held to the letter of the contracts and do what they were supposed to do. She urged the Public Works Department staff to continue to get the work done.

PUBLIC COMMENTS CLOSED

Public Works Director Mishra clarified in response to the public comment that the CIP had been presented to the Planning Commission, which had discussed the project, and a motion had been made that had determined that the goals and policies as identified, specifically for CIP Project #FA2302, did not meet the Planning Commission's understanding of those goals and policies. The Planning Manager had provided comments with respect to those details as well. He clarified CIP Project #FA2302 had not been prioritized and had been moved to the next fiscal year to allow for further discussion by the City Council. He added the project had initially been placed into the CIP last fiscal year, the Planning Commission had not raised the concern with the project not meeting the goals and policies of the General Plan at that time, and the project was not a priority and funding had been moved to the next year allowing another opportunity for discussion.

Mayor Pro Tem Sasai asked for more feedback from the Planning Commission and what facets of #FA2302 were not in conformance with the General Plan.

Public Works Director Mishra reported one of the Planning Commissioners was not in favor of the project scope, as described for a public parking lot with a chain link fence, which was not aesthetically pleasing. Also, there was no evidence of any safety issues or vandalism which led to the Planning Commission making the motion the project was not in conformity with the General Plan. The Planning Commission had initially wanted to remove the project from the CIP list but the Planning Commission did not have that authority and was tasked only to review all of the CIP projects and determine conformity with the General Plan. The Planning Commission had been advised by the City Attorney and Planning Manager the Planning Commission was to review the project based on the project details.

Council member Martinez-Rubin understood that evidence of a crime was the reason for #FA2302 and the proposed barrier. She asked whether there was still a need for a barrier given current violations or crime that had occurred or been documented.

Public Works Director Mishra clarified the project had been brought forward by the Pinole Police Department given concerns with police vehicles being vandalized, with a desire to have a safer enclosure to allow City and police vehicles to be left and locked in the parking lot. He did not have the details of the vandalism.

Interim City Manager/Police Chief Gang reported #FA2302 had come about in the 2020/21 season when employees had been followed out of the Police Department and they wanted to enhance the ability to protect officers where they were parking and going to and from their vehicles, and at the same time and prior to his arrival in the City, two parking spots in front of the Police Department had been removed for Electric Vehicle (EV) charging stations, which removed parking for dispatchers to walk safely under surveillance to and from their vehicles. The request at that time had been to have secured parking like many other Police Departments across the country to have employees feel safe getting in and out of their vehicles when arriving at work.

Mayor Toms suggested more work be done to determine whether cameras would be the appropriate security measure or a different design given the project would be deferred to the next fiscal year, and given her understanding the Planning Commission objected to the proposed design of a chain link fence in the Old Town Pinole area.

Council member Martinez-Rubin commented that given the Mayor Pro Tem's request for a future agenda item for a Council-level discussion on implementing safety measures in public facilities in the City of Pinole, the matter was still current. She found the aesthetics to be a separate issue.

ACTION: Motion by Council members Martinez-Rubin/Tave to approve the Fiscal Year (FY) 2024/25 through 2028/29 Five-Year Capital Improvement Plan, as presented.

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

12. NEW BUSINESS

A. Discussion of Process for Establishing the Office of Elected Mayor. Action: Receive Report and Provide Direction (Eric Casher)

City Attorney Casher provided a brief PowerPoint presentation for the process to establish the Office of Elected Mayor. He recommended the City Council discuss the process and provide direction to staff on next steps.

Council member Martinez-Rubin clarified with the City Attorney the procedural requirements, specifically, if a majority of the votes cast were in favor of an elected mayor whether one seat on the Council would be designated as the Office of the Mayor at the next General Municipal Election held in the City, which would be in 2026. She also clarified the powers of the mayor, specifically, that an elected mayor was a member of the City Council and had all the powers and duties of a member of the City Council. For the most part, an elected mayor had the same powers as an appointed mayor. As such, she questioned why there should be an elected mayor. Additional powers of the mayor included presiding at and chairing City Council meetings; administering oaths and affirmations; certifying affidavits and/or acknowledging documents that were executed by the City and directing peace officers to attend public meetings in which a breach of the peace may occur; ability to make appointments to boards, commissions, and committees, subject to the approval of the City Council; and an elected mayor may collect a salary in addition to the salary established for council members if approved by ordinance.

Council member Martinez-Rubin asked what amount the salary estimate could be based on given the size of the City of Pinole and whether it would be determined by administrative code.

City Attorney Casher explained if the voters decided to move forward with an elected mayor, over the next year an ordinance would have to be established, with the Pinole Municipal Code (PMC) required to be amended to create the Office of an Elected Mayor, and through that process and legislative process of adopting an ordinance to create an elected mayor, the City Council would consider the salary. He was uncertain of the range of salaries for mayors of various cities.

Council member Martinez-Rubin commented the PowerPoint presentation listed cities with elected Mayors but had left off the City of Martinez. For the cities of Richmond and San Ramon, which had elected Mayors, those cities had elections by district with the population of those cities three to four times larger than the City of Pinole. The City of Brentwood had also been listed and was larger than the City of Pinole, which had experienced a significant population increase since the 2020 census. She noted the City of Pinole did not have district elections but had at-large elections. She asked why staff had chosen to present the cities of San Ramon and Brentwood as examples of elected mayors.

City Attorney Casher explained that the list of cities with elected mayors that had been provided were cities he was familiar with in Contra Costa County and were examples of neighboring cities with elected mayors. He acknowledged the City of Martinez also had an elected mayor.

Mayor Toms clarified with City Attorney Casher that no polling had been done to gauge interest in an elected mayor, although the Lew Edwards Group had provided a presentation during a prior City Council meeting on some polling around different measures for consideration.

Mayor Toms also clarified with City Attorney Casher the costs for adding the question to the November ballot as to whether the electorate wanted an elected mayor had been estimated at \$25,000 to place one ballot measure on the General Election ballot, although the cost for staff time, consultants and legal experts may be incurred during the process. Depending on the term of the mayor position, every two to four years there would be an election for mayor and that may increase costs for elections.

City Clerk Bell clarified the costing model Contra Costa County used had been in part based on the ballot space and if they had an additional race that could raise the price for a certain factor.

Council member Martinez-Rubin again referenced the procedural requirements and the examples provided of the language that could be placed on the ballot asking voters whether or not the electorate supported an elected mayor, which would be all a voter would see to decide the question.

City Attorney Casher explained if the City Council decided to move forward with the establishment of an elected mayor, staff would bring forward at the July 16, 2024 meeting, draft ballot language for City Council formal approval in the form of a resolution to be placed on the ballot. The language in the PowerPoint presentation had been identified in the Government Code as requisite language, but the actual language would be different, to be approved by the City Council. As to whether additional information would be provided to add to the understanding of the ballot measure language, the language would be simple and similar to what had been provided.

The City Attorney's Office would also provide an impartial analysis and any ballot measure for the City would be accompanied by an impartial analysis from the City Attorney's Office, an objective assessment of the impact of the ballot measure. If approved by the voters, they would then move forward to the process of adopting an ordinance, which would be when there could be a discussion about qualifications and other issues related to the actual mayoral elected position. Again, if the City Council decided to move forward, the item would be placed on the July 16, 2024 City Council meeting agenda since the ballot measure would have to be finalized within the first two weeks of August.

Mayor Pro Tem Sasai asked about other cities that had similar ballot measures of elected mayors and what percentage had passed or failed, to which City Attorney Casher stated he did not have that information.

Mayor Pro Tem Sasai asked about the impacts of a non-revenue generating ballot measure to the half-cent sales tax measure, which the City Council had directed to be placed on the November ballot.

City Attorney Casher reiterated that no polling had been done for an elected mayor position and he had no data for that but anecdotally through the consultant, the consultant preferred one ballot measure and making things less complicated and preventing voter confusion. Polling would be required to provide precise figures on percentages.

PUBLIC COMMENTS OPENED

Ana Avila, President Local 1, questioned the placement of this item on the November ballot at a cost of \$25,000 given the prior discussions related to the budget, and disagreed with the measure.

Amy Eubanks, President, PEA, concurred, particularly given the prior discussion to adjust the budget and to make cuts across the board. She questioned the possible costs for the ballot measure that could be greater than \$25,000, and after a quick Google search found that elected mayors were paid between \$48,000 to \$70,000, with the knowledge the City Council would determine the salary rate. Also, if the City were to consider an elected mayor, the PMC would have to be amended requiring additional staff time and she did not see the City had the financial means and resources to place this item on the November ballot, particularly with the information that having two ballot measures may detrimentally impact the ballot measure intended to generate revenue for the City. She suggested this was not a good time to consider this ballot measure and that a poll should be taken to see whether citizens even wanted to consider an elected mayor.

Rafael Menis suggested if the City Council chose to move forward with the process and the electorate decided to approve an elected mayor, he asked whether the elected mayor would be bound to the same term limits as elected Council members or be determined by the nature of the ballot measure. He found there were significant downside risks from a political science perspective, and suggested there was a risk in bringing this item up that could make it more difficult to pass items, and he offered examples.

Lecia Rohrbach, questioned the \$30,000 cost for an elected mayor when the current process to establish mayors had worked well, particularly given the actions taken to balance the budget and stated such action would not be financially responsible at this time. She also questioned paying an elected mayor when the City Council had just discussed the inability to pay for additional police officers and other vacant positions, and she urged waiting until the City was in a better financial position.

Irma Ruport understood an elected mayor had the same powers as an appointed mayor and had the ability to approve appointments to boards, committees and commissions subject to City Council approval. She commented she had applied to a City Commission three or four years ago and a City Council Ad-Hoc Committee had not approved her. She understood an elected mayor collecting a salary would be done by ordinance. She wanted to see some of the issues go out to the taxpayer. She recognized the City hired consultants and some polling had been done, but urged that taxpayers be allowed to make this and other decisions.

Ruthie Abelson Olivas commented the topic of having an elected mayor had been discussed not too long ago and she had spoken out at that time. She asked why several Council members had been suddenly unavailable for the June 18 City Council meeting and if intentional to get a vote to go a certain way, she was disgusted by the lack of respect for the City and the elected position. If intentional, it was a sign of immaturity and those persons should be ashamed and embarrassed for wasting the time of the Council members, staff and members of the public who wanted to be present. She could not help but think this topic of discussion was around personal political agendas and egos, and some may wish to serve in higher-elected positions, which was a great goal, but making decisions based on personal and selfish goals would be remembered by voters and she questioned whether that was the legacy one wanted to leave behind. She found that the current system worked, residents did not have an issue and the City Council should only be discussing actual important issues for Pinole and not issues related to political career aspirations.

Anthony Vossbrink did not see how this topic would make Pinole a better place and therefore he echoed the comments made and offered kudos to those against having an elected mayor on the November ballot.

Mr. Vossbrink suggested further investigations and discussions could be done at a later date, but not when another initiative was on the ballot. He also questioned the costs for placing this item on the ballot and a potential compensation plan for an elected mayor since the City was not in the position to take that on given the budget deficit. He suggested the three Council members who were pushing this initiative were the same who also voted for prior fireworks shows that had cost the City in excess of \$100,000 for no fireworks in 2023. The City was not in the business to promote personal or political interests or agendas for certain candidates for mayorship on the City Council and the City of Pinole was not the type of City to want that in the future. He suggested if it was not broken don't fix it.

Debbie Long strongly opposed an elected mayor. While the City did not have any formal polling, she noted several years ago when the City Council had a discussion on charter cities, one of the elements people objected to was having an elected mayor, although members of the City Council reiterated that was not the purpose of a charter. In December 2023, an item had been placed on the agenda by the Mayor Pro Tem and Council member Murphy not to have the Council rotate the position of Mayor and based on Council member Murphy's comments and relationships he wanted to remain Mayor. After much opposition by citizens, it was dropped. Now, again, Council member Murphy wanted an elected mayor position put on the ballot and based on the report, it could be a salaried position and have other powers such as appointing to Boards, Commissions and Committees. She understood the Mayor Pro Tem wanted a Police Oversight Commission to be formed and she would hate to think the Mayor could appoint with a Council majority for a Police Commission. She commented on the potential salary costs for an elected mayor position, which may also include pension benefits. Given the prior discussion of the budget, the City should not consider the placement of this item on the November ballot, particularly given the ballot measure for a half-cent sales tax intended to help boost City revenues. She asked the City Council to take a look at what was important to them this November.

Peter Murray commented he had spoken on the same topic at least three times. He found the current process worked well for the City of Pinole given the small community, everyone had a shot at being mayor and everyone had to work together. He had concerns with the possible abuse of the position, asked who would run the City, the elected mayor or the City Council, whether the Office of the Mayor would give direction to the City Manager at the detriment of the City Council, and again found that the current system worked, particularly since he had seen an elected mayor be a detriment to the rest of the City Council when City Council members were not getting all information. He asked that the process be left as is.

PUBLIC COMMENTS CLOSED

Council member Murphy commented on his intent to build a more representative democracy and while he appreciated the comments, he questioned why it was so bad to ask the voters what they wanted for their government. He highlighted the importance, vitality and benefits of an elected mayor for the City of Pinole, in that a mayor elected by the people served as the embodiment of the community's aspirations and values, served as the public's advocate, leader and representative in local governance and ensured voices were heard directly. The mayor would be accountable to residents and taxpayers, and ensured concerns with public safety, infrastructure and community development were prioritized and addressed effectively along with the City Council.

Council member Murphy added that an elected mayor provided continuity and stability in leadership bringing a cohesive vision for the future of the City collaborating with City Council members, regional electeds and partners and community stakeholders to drive progress and prosperity, stability fostered trust and confidence in local government, attracting investments, enhancing the quality of life of residents, extended beyond administrative duties, was a symbol of unity and civic pride rallying around common goals and celebrations, the mayor's leadership inspired civic engagement and volunteerism, was not just a ceremonial figurehead but a person that was the crucial architect for the City's future, and ensured democratic representation, promoted the economic vitality and fostered a sense of belonging amongst residents.

Council member Murphy emphasized the need to evolve, thanked the City Attorney for researching other cities that had elected mayors in Contra Costa County, and noted all cities in Solano County had an elected mayor, some of which were of similar size to the City of Pinole. He also cited numerous other cities and their respective populations in the State of California, which had elected mayors. He wanted people to be able to vote on who their mayor was and noted the effort across the state to modernize government that extended beyond administrative duties and also fostered a sense of civic and cultural pride.

Council member Tave again clarified the costs of placing an elected mayor position on the November ballot, which the City Attorney advised would be somewhere between \$25,000 and \$30,000.

City Clerk Bell reiterated the County used a costing model and then charged a city back, and \$25,000 was a good estimate for a consolidated election with the County and there was a factored increase with each question asked. It would not be another \$25,000 but the factor estimated around \$6,000 for each additional question. She could not provide an exact estimate of the costs since it would depend on the County's final costs and how they were broken down.

Council member Tave asked whether that would unbalance the budget (no comment was audible from staff) that had been approved and understood the City Council would have to come up with an additional \$6,000 ballpark from somewhere.

Mayor Toms found the current rotation had worked for 121-years, there had been no polling asking residents whether there should be a change in rotation, the City Council had just completed the budget discussion and had decided to use General Reserves for the next fiscal year, and suggested not using additional funds on this item. She wanted the City Council to focus on a revenue measure and not dilute the need of that measure with another measure. She noted that other cities had shown that the winner of an out-of-cycle mayor could leave a Council seat open, while another Council member in the same cycle may risk losing a Council seat only to come in second.

Mayor Toms noted the current rotation allowed for a rotation of the mayoral position with at least two years of Council experience, which was very important, while a directly-elected mayor could result in someone with no experience. If someone was out of cycle running for mayor and was elected mayor, that person would then vacate the council seat, which would be filled by a city council-appointed replacement for the next two years. She added that state law provided that a salary, not just a stipend, could be paid for an elected mayor, which was a budget item.

Council member Murphy disagreed the position of a rotational mayor had always been a rotational position during the 121-years of the City in that there was a time when the mayor had not been a rotating mayor and the mayor continued to be voted on simply by the City Council, which was verified by those that had done research. He reiterated his intent for direct democracy allowing voters to decide. He commented that during the discussions of the budget on June 4, he had been challenged about not decreasing the General Reserves and now he was amendable to supporting a recommendation to deplete some of the reserves. He asked how new systems might be created in the City, and while he understood the status quo was easy, having served on the City Council for the past three years as both Mayor and Mayor Pro Tem, he found there were structural governance issues that had to be tested and tried out.

Council member Murphy recognized that \$30,000 was a big number, but again implored the City Council to consider the governance issues and consider whether an elected mayor would change things.

ACTION: Motion by Council member Martinez-Rubin/Mayor Toms to table the issue of establishing the office of an elected mayor indefinitely.

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

Mayor Toms asked whether there was another motion. No additional motion was made. Given that, the Mayor advised no direction was provided.

Council member Murphy now offered a motion to direct the City Attorney to prepare language for a ballot measure to be placed before the voters in November 2024, with the measure to outline and propose the establishment of an elected mayor position for the City of Pinole outlining key aspects including the method of election, whether the mayor would be elected at-large, the term length and limitations and that the City Attorney present the proposed language for the ballot measure to the City Council no later than July 16, 2024, and to allow for review and public input through that process.

There was no second to the motion, the motion failed and no action was taken.

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.*

Richard Cassel, commented on an issue in front of his driveway on Doidge Avenue where a natural occurring spring had weakened the underlying soil. His home on Jordan Way also had a natural occurring spring and he had been in contact with staff over the past spring and the area had been patched but a garbage truck had gone over it. He asked via email for pothole repair to be included in a project planned for Doidge Avenue but he had received no response from staff.

Mayor Toms advised the City Council was unable to respond to public comment but the Public Works Director was present and the speaker was asked to meet with him to trade contact information.

Mayor Toms reported the City Council would adjourn to the Regular Meeting on July 2, 2024, which agenda would include some carryover items from the prior City Council meeting along with a contract for the City Manager. It was anticipated to be a brief meeting given the workshop at 7:00 p.m. on the same night to discuss sewer rate changes.

14. ADJOURNMENT to the Regular City Council meeting of July 2, 2024 in Remembrance of Amber Swartz.

At 8:33 a.m., Mayor Toms adjourned the meeting to a Regular City Council meeting on July 2, 2024 in Remembrance of Amber Swartz.

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council: July 16, 2024

