

**CITY COUNCIL MEETING
MINUTES
August 6, 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 Regular Meeting of the City Council to order at 5:00 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
Anthony Tave, Council Member

COUNCILMEMBERS ABSENT

Devin Murphy, Council Member

B. STAFF PRESENT

Neil Gang, Interim City Manager/Chief of Police
Heather Bell, City Clerk
Eric Casher, City Attorney

City Clerk Heather Bell announced the agenda had been posted on August 1, 2024, at 12:30 p.m. with all legally required written notices. Written comments had been received in advance of the meeting, distributed to the City Council and staff, posted to 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 LEGAL COUNSEL – ANTICIPATED LITIGATION
Gov. Code §54956.9(d)(4)
In re National Prescription Opiate Litigation, No. 1:17-MD-2804**

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

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

At 5:47 p.m., Mayor Toms reconvened the meeting into open session. There was no reportable action from the Closed Session.

6. CITIZENS TO BE HEARD (Public Comments)

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

City Clerk Bell reported there were no Citizens to be Heard.

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements:

Mayor Toms reported the City of Pinole hosted the West County Mayors' and Supervisors' meeting and would host the group for the next six months. During the meeting, the City of San Pablo expressed concern with a mega-casino proposal in the City of Vallejo and the group discussed the East Bay Hills Wildfire Coalition's need for a fiscal agent, and the City of Pinole was asked to take on the task, which would be considered when the new City Manager came on board. She had also attended the Association of Bay Area Governments (ABAG) Executive Board meeting with the members of the General Assembly having been thanked for convening on June 21, 2024. It was also reported in late June/early July that the San Francisco Estuary Partnership received two awards from the Environmental Protection Agency (EPA) totaling \$10.6 million to implement watershed scale restoration in North Richmond and advance nature-based adaptation along the Hayward Shoreline.

A report was also provided on a \$20 billion Bay Area Affordable Housing Bond which had been approved for the 2024 election for affordable housing throughout the nine county Bay Area, and an update on the Metropolitan Transportation Commission (MTC) proposal Plan Bay Area 2050+, an update to Plan Bay Area 2050. In addition, Mayor Toms reported she met with the new Principal of Pinole Valley High School who had been invited to a future City Council meeting to introduce himself.

- B. Mayoral & Council Appointments: None
- C. City Council Committee Reports & Communications: None
- D. Council Requests for Future Agenda Items

Mayor Toms offered a motion to send a letter to the Bureau of Indian Affairs by August 22, 2024, to extend the City of San Pablo's concerns about a mega-casino project proposed by the City of Vallejo, as a future agenda item.

On the motion and in response to Council member Martinez-Rubin, Mayor Toms explained the City Council would next meet on August 20, 2024, there was time to consider the item and there was a standard letter that could be considered at the next City Council meeting.

Consensus given.

PUBLIC COMMENTS OPENED

Irma Ruport referenced an article about the new Executive Director for Contra Costa County Animal Services. She asked that the City Council extend an invitation to the Executive Director to provide an update to the City Council and the public on the City's contract with the County given issues with the lack of animal services in West County.

Consensus given.

PUBLIC COMMENTS CLOSED

- E. City Manager Report / Department Staff

Interim City Manager Neil Gang reported the National Night Out Caravan for the Pinole Police Department would go to three different locations in the City to celebrate the event with a caravan planned on August 6, 2024. A Citywide National Night Out had been planned for October 1, 2024. He also reported the new City website was operational at pinole.gov and he expressed his appreciation to Assistant to the City Manager Fiona Epps and her team for their hard work. The City's new Online Permitting, Inspection and Licensing System was also now live online and new City Manager Kelcey Young would start on August 26, 2024.

In addition, the Police Chief recruitment process was ongoing with a total of 14 applications received, seven of which involved current or former Police Chiefs. Six external candidates had been selected to move forward to interviews scheduled for August 26, 2024.

Interviews would include three panels; a Community Panel, City Department Head Panel and Police Chiefs from around the state. Once finalists had been identified the City Manager would hold interviews on-site on September 5, 2024.

Public Works Director Sanjay Mishra provided an update on Public Works Operations and Activities for the month of July. There had been a total of 173 service requests; 33 for facilities, 88 for parks and 26 for roads, with one emergency call-out. The details for the service requests were highlighted. Public Works Department staff also provided assistance at various special events during the month including stormwater cleaning events for inlets. He also reported that the Public Works Department was struggling with staffing, with about 60 percent of staff currently out sick.

Mayor Toms thanked the Public Works Director for the repair work on Doidge Avenue and reported there were many grateful residents.

F. City Attorney Report: None

PUBLIC COMMENTS OPENED (Items 7D through 7F)

Irma Ruport asked the Interim City Manager/Police Chief why he was recruiting and hiring for the new Police Chief position and asked who would do the direct hiring of the new Police Chief.

Interim City Manager/Police Chief Gang reported the City Manager was the hiring authority for the Police Chief, and the new City Manager would do the hiring for the new Police Chief when she arrived.

Ms. Ruport commented the City had an Interim City Manager/Police Chief for the past six months. She found it inappropriate for the Interim City Manager/Police Chief and the new City Manager to be the only ones hiring the new Police Chief. She objected to the process, questioned having someone new on staff who was not familiar with Pinole doing the hiring and asked the City Attorney to opine. She pointed out the City Council was elected to represent the City and had the knowledge of the City. As a long-time resident and given there had been bad practices in hiring in the past, she asked that people be vetted properly.

Mayor Toms reported a panel had reviewed applicants and there were six finalists to be interviewed by three different panels as earlier described who would provide the recommendation to the new City Manager who would interview and make that hire. The City Council directly hired the City Manager, City Attorney and City Clerk. The rest of the Department Heads were hired by the City Manager.

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 July 16, 2024.
- B. Receive the July 13, 2024 – August 2, 2024 List of Warrants in the Amount of \$3,399,653.34, the July 19, 2024 Payroll in the Amount of \$536,674.41, and the August 2, 2024 Payroll in the Amount of \$523,367.72.
- C. Overview of Current Notification Process for Ministerial and Discretionary Projects.
Action: Receive Report per Staff Recommendation (David Hanham)
- D. Award a Contract for Architectural Services for FA1702-Citywide Roof Repairs and Replacement and FA1703-City Hall Modernization Projects to Interactive Resources, Inc. in an Amount Not to Exceed \$270,555. **Action: Adopt Resolution per Staff Recommendation (Sanjay Mishra)**
- E. Adopt Final Sewer Rate Study and Authorize Sewer Rate for Tax Roll. **Action: Adopt Resolution per Staff Recommendation (Sanjay Mishra)**

Mayor Pro Tem Sasai asked that Item 9D be removed for a separate vote.

City Clerk Bell requested a revision to Item 9A, Page 35 of 128 of the agenda packet, and the first sentence of the comments made by Rafael Menis, as follows:

Rafael Menis supported the proposed half cent sales tax measure, the City needed the revenue it would raise, the protections state law required limited it from being applied to regressive categories, such as food and medicine, making it a less regressive tax and given the relative popularity of the tax as compared to others based on the City's survey data, made it the best choice for the City at this time.

Council member Martinez-Rubin requested Item 9C be removed for discussion.

PUBLIC COMMENTS OPENED

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

PUBLIC COMMENTS CLOSED

ACTION: Motion by Council member Tave/Mayor Pro Tem Sasai to adopt Items 9A, as amended and Items 9B and 9E, as shown.

Vote:	Passed	4-0-1
	Ayes:	Toms, Sasai, Martinez-Rubin, Tave
	Noes:	None
	Abstain:	None
	Absent:	Murphy

Speaking to Item 9C, Council member Martinez-Rubin thanked Planning Manager David Hanham and the Planning Department for the information she had requested as part of Item 9C, which helped to explain the process staff, the Planning Commission and the public went through from the submittal of an application to the development of a project.

Council member Martinez-Rubin urged residents to read the report to understand the different distinctions about projects and what was permitted by law and she highlighted some of the existing regulations.

ACTION: Motion by Council members Martinez-Rubin/Tave to adopt Item 9C, as shown.

Vote:	Passed	4-0-1
	Ayes:	Toms, Sasai, Martinez-Rubin, Tave
	Noes:	None
	Abstain:	None
	Absent:	Murphy

Referring to Item 9D, Council member Tave explained he removed the item to ask that it be tabled to allow the new City Manager to review the Capital Improvement Plan (CIP) in its entirety and the costs related to Item 9D. He had spoken with the Public Works Director about tabling the item and the potential impacts on projects moving forward. He asked the Public Works Director to opine on tabling the item.

Public Works Director Mishra detailed the architectural services contract the City had procured through the Request for Proposal (RFP) process as part of Item 9D. If the City Council decided to hold off on the item for a couple of weeks he did not see that as a concern.

Council member Tave emphasized he would like to see the item be tabled, as discussed.

Mayor Toms asked the Public Works Director how long the quote for the scope of work for Item 9D would be valid.

Public Works Director Mishra advised the quote was valid for 120-days from the time of the bid.

PUBLIC COMMENTS OPENED

Rafael Menis referenced Page 92 of 128 of the agenda packet and the details for the construction cost estimate, which read in part: *The current estimates appear to cover only 70-80% of the market cost for the roof areas the City wants to replace.* He asked whether there were sufficient funds set aside for the full project cost not just the construction costs.

Irma Ruport asked that Item 9D be continued to a future meeting given that the review and analysis in the report was incomplete. A total of six proposals had been received in response to the RFP on May 21, 2024, and had been evaluated with three proposals shortlisted. The top ranked proposal involved an interview by City staff based on the scope of the RFP. The proposal from Interactive Resources, Inc. was in the amount of \$270,555. She asked why all three candidate proposals had not been interviewed, why all three had not been listed in the resolution as done with prior resolutions, who on staff had interviewed the consultant and whether staff had done enough follow-up and background history with the consultant. Based on her own research, she had learned on June 19, 2018 that the City executed a contract with Interactive Resources, Inc. for \$100,000 to design improvements required for the Faria House to serve as a public museum and had consulted with staff and representatives from the Pinole History Museum to create the building programs with an estimate for construction costs in January 2020 at \$1.4 million.

Ms. Ruport noted the contract for the project had been approved by the five Council members at the time and no RFP had been distributed, and there had been only four informal emails involved when one consultant had been chosen, Interactive Resources Inc. In that case, the City paid the cost but the project had been shelved since the City did not have any money. She expressed concern the current RFP process had repeated itself with the same past procedures and had not followed the RFP rules. She asked that Item 9D be continued until the new City Manager was on board, the item was not time sensitive and the City needed to do better following the rules and guidelines to ensure all information was given to the public who would be paying for the project.

Ms. Ruport was concerned the City was repeating bad hiring practices by hiring former bad consultants with no accounting or records. She added every time she requested records the City did not have them. She stated she would be making a Public Records Act (PRA) request in this instance.

PUBLIC COMMENTS CLOSED

ACTION: Motion by Council members Tave/Mayor Toms to continue Item 9D until the new City Manager had the chance to review.

Vote:	Passed	3-0-2
	Ayes:	Toms, Martinez-Rubin, Tave
	Noes:	None
	Abstain:	Sasai
	Absent:	Murphy

10. PUBLIC HEARINGS

- 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 (LLAD) for Fiscal Year 2024/2025. Action: Conduct Public Hearing and Adopt Resolution per Staff Recommendation (Sanjay Mishra)**

Public Works Director Mishra provided a brief PowerPoint presentation on the Pinole Valley Road Landscape and Lighting Assessment District public hearing process and highlighted the Assessment Report for Fiscal Year 2024/25, which included a correction to the Total Assessable Costs for Zones A and B.

Public Works Director Mishra recommended the City Council 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, 2024, and ending June 30, 2025, 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 2024/2025 secured property tax roll.

Council member Martinez-Rubin asked about the reference to maintenance of "one and a half traffic signals" on Pinole Valley Road, to which Public Works Director Mishra explained that a portion of the cost had been assigned to Zone A and the other to Zone B, and was not a separation of one and a half traffic signals.

PUBLIC HEARING OPENED

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

PUBLIC HEARING CLOSED

ACTION: Motion by Council members Tave/Martinez-Rubin to adopt a resolution confirming the assessment and diagram as is described in the Annual Assessment Report, levying an assessment for the fiscal year commencing July 1, 2024, and ending June 30, 2025, 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 2024/2025 secured property tax roll.

Vote:	Passed	4-0-1
	Ayes:	Toms, Sasai, Martinez-Rubin, Tave
	Noes:	None
	Abstain:	None
	Absent:	Murphy

12. NEW BUSINESS: None

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

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

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

Rafael Menis reported on the COVID-19 rate in the community, local sewer water sheds and hospitalization rates with an overall rate of 17 per 100,000 in terms of viral activity levels. He continued to encourage people to wear masks in high risk crowded indoor areas, take precautions as necessary and get booster shots. He also wished Council member Murphy a Happy Birthday and praised his work on the City Council over the last few years including having played a significant role in reopening Fire Station 74, ensuring the City had gone through many of the core strategic planning processes, working to ensure the City had a proper economic development process and ensure there was greater public communication, outreach and community engagement through various tools. He thanked Council member Murphy for his work to engage the community and his continued work on the City Council.

Anthony Vossbrink reported the presentation provided by the Public Works Director for Item 10A was not clearly audible and the text not clearly visible and he asked that those issues be corrected for future presentations. He otherwise noted there remained a number of street light issues in the community including street light outages along Pinole Valley Road, San Pablo Avenue and a third of the public parking lot lights were inoperable creating a safety hazard. He asked that the different parking lots in the City be reviewed prior to waiting for the new City Manager to come on board. Also, two large directional lights on the I-80 overpass were inoperable and green recyclable trash cans in the barbeque grove and dog park remained to be installed.

Mayor Toms asked that the meeting adjourn in memory of Scott Davidson, a former Contract Planner for the City of Pinole.

- 14. ADJOURNMENT** to the Regular Meeting of August 20, 2024 in Remembrance of Amber Swartz and Scott Davidson.

At 6:32 p.m., Mayor Toms adjourned the meeting to the Regular City Council Meeting of August 20, 2024 in Remembrance of Amber Swartz and Scott Davidson.

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council: August 20, 2024

