

**CITY COUNCIL MEETING  
MINUTES  
March 3, 2020**

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

The City Council Meeting was held in the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Swearingen called the Regular Meeting of the City Council to order 6:00 p.m. and led the Pledge of Allegiance.

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

**A. COUNCILMEMBERS PRESENT**

Roy Swearingen, Mayor  
Norma Martinez-Rubin, Mayor Pro Tem  
Peter Murray, Councilmember  
Vincent Salimi, Councilmember  
Anthony Tave, Councilmember

**B. STAFF PRESENT**

Andrew Murray, City Manager  
Hector De La Rosa, Assistant City Manager  
Heather Iopu, City Clerk  
Eric Casher, City Attorney  
Tamara Miller, Development Services Director/City Engineer  
Neil Gang, Police Chief  
Chris Wynkoop, Fire Chief

City Clerk Iopu announced the agenda was posted on February 27, 2020 at 4:00 p.m. All legally required notice was provided.

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

**3. CONVENE TO A CLOSED SESSION**

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

**A. CONFERENCE WITH LABOR NEGOTIATORS**

Gov. Code § 54957.6

Agency designated representatives: City Manager Andrew Murray, Assistant City Manager Hector De La Rosa, Greg Ramirez  
Employee organizations: PPEA & IAFF

**B. CONFERENCE WITH LABOR NEGOTIATORS**

Gov. Code § 54957.6

Agency designated representatives: City Manager Andrew Murray, Assistant  
City Manager Hector De La Rosa, Greg Ramirez  
Employee organizations: IAFF

#### **4. RECONVENE IN OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION**

Mayor Swearingen reconvened the meeting at 7:08 p.m. and announced that there was no reportable action.

#### **5. 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. 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.*

The following speakers addressed the City Council:

**Rafael Menis**, resident of Pinole, spoke regarding Election Day. Announced that the polls will close at 8:00 p.m. thanked community clean-up event volunteers Irma and David Ruport. Made statements regarding campaign material for upcoming election.

**Laura Ramos**, resident of Pinole, announced passing of her husband and former Pinole firefighter Bob Ramos, invited the community to attend the upcoming memorial.

**Irma Ruport**, resident of Pinole, spoke regarding PCTV, spoke regarding re-runs programs on Channels. Asked the City Manager to review the station and its programming.

#### **6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS**

- A. Proclamations
- B. Presentations / Recognitions

#### **7. 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.*

Mayor Pro Tem Martinez-Rubin requested a correction to Item 7A be included with the approval of the Consent Calendar.

- A. Approve the Minutes of the Meeting of February 18, 2020
- B. Receive the February 15, 2020 – February 28, 2020 List of Warrants in the Amount of \$270,322.42 and the February 21, 2020 Payroll in the Amount of \$503,148.77

- C. Placement Of Liens For Delinquent Unpaid Waste Collection Charges Falling Delinquent Between July & December 2019, Considered At An Administrative Hearing On February 6, 2020 [Action: Adopt Resolution per Staff Recommendation (Iopu)]

**ACTION: Motion by Council Members Murray/Tave to approve Consent Calendar Items A, B, C**

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

Consent Calendar Item D was pulled by Mayor Swearingen for further discussion.

- D. Amend Fiscal Agreement For The Improvement Of The Pinole-Hercules Water Pollution Control Plant [Action: Authorize the City Manager to Amend Agreement per Staff Recommendation (T. Miller)]

Mayor Swearingen made comments and requested discussion of the item.

Community Development Services Director/City Engineer Miller provided Council with background on the item.

Council asked questions of staff. Staff addressed questions.

**ACTION: Motion by Council Members Tave/Salimi to approve Consent Calendar Item D**

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

## **8. PUBLIC HEARINGS**

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

NONE

## **9. OLD BUSINESS**

NONE

## 10. NEW BUSINESS

- A. Authorize The City Manager To Execute An Agreement With Engie Services Inc To Assess And Provide Recommendations On Energy Conservation And Generation Improvements [Action: Adopt Resolution per Staff Recommendation (T. Miller)]

Community Development Services Director/City Engineer Miller presented background information on the item.

The following speakers addressed the City Council:

**Rafael Menis**, resident of Pinole, spoke regarding details of the report. Asked questions of staff regarding the proposed services and history of past projects with the City of Pinole.

**Maureen Toms**, resident of Pinole, spoke in favor of the contract. Stated that it is consistent with the sustainability plan of the City and will result in cost savings. Requested staff look into pre-wiring of battery chargers for vehicles.

ENGIE representative addressed public questions.

Council asked questions regarding details of the report.

Staff and ENGIE representative answered Council questions.

**ACTION: Motion by Council Members Tave/Murray Authorize The City Manager To Execute An Agreement With Engie Services Inc To Assess And Provide Recommendations On Energy Conservation And Generation Improvements**

<b>Vote:</b>	<b>Passed</b>	<b>5-0</b>
	<b>Ayes:</b>	<b>Swearingen, Martinez-Rubin, Murray, Salimi, Tave</b>
	<b>Noes:</b>	<b>None</b>
	<b>Abstain:</b>	<b>None</b>
	<b>Absent:</b>	<b>None</b>

The following speaker addressed the City Council:

**David Bowman**, resident of Pinole, asked for clarification regarding the costs associated with Consent Calendar 7D.

Staff and the Mayor provided clarification.

## 11. REPORTS & COMMUNICATIONS

- A. Mayor Report  
1. Announcements

Mayor Swearingen announced the opening of a new Mexican restaurant in Pinole, "Que Onda". Announced throwing out the first pitch at the Pinole Valley High School Softball team. Spoke in support of youth sports programs.

Met with the Fowler House Re-Use Committee. Announced topics of discussion; development of parking lot and bocci ball courts.

B. Mayoral & Council Appointments

C. City Council Committee Reports & Communications

Council member Murray announced upcoming meeting with RecycleMore.

Council member Salimi announced attendance at Beautification Ad Hoc Committee.

Mayor Pro Tem reported discussion topics of the February Beautification Committee; review charge of committee, potential Litter Tax, Adopt-A-Drain Program. Announced details of the upcoming 2020 Census surveys. Asked the public to stay healthy and take precautions regarding Coronavirus.

Mayor Swearingen cautioned the public regarding identity fraud schemes taking place by door-to-door visits asking for IDs. Asked for caution

D. Council Requests For Future Agenda Items

Council member Tave requested a report on potential of Pinole Shores II as an area for solar development. Consensus given.

Mayor Pro Tem asked for an update on the Faria House and the preservation ordinance requested at a past meeting.

Council member Salimi asked staff to look into the possibility of acquiring the RV park with the intent of installing solar panels.

Council member Murray requested updates from staff regarding: tree replacements from PG&E & Thomas Brothers, repairs on median strips by Thomas Brothers, roadway maintenance, De Vita, marquee at entrance to Old Town Pinole, Dr. Lee's Project, Bay Front Park safety improvements, completion of power poles near High School, HdL Study, re-zoning properties.

Council member Murray requested a future agenda item regarding zoning and future of the former Doctor's Hospital site. Consensus given.

Councilmember Tave requested an update on the Safeway development.

E. City Manager Report / Department Staff

Community Development Services Director/City Engineer Miller announced recent successes; the City reached its goal for trash capture of 80% and was awarded an American Public Works Association Project of the Year Award for the Wastewater Control Plant.

City Clerk Iopu announced that there are upcoming Census events being planned in the community.

F. City Attorney Report

No report.

**12. ADJOURNMENT to the Regular City Council Meeting of March 17, 2020 In Remembrance of Amber Swartz.**

At 9:03 p.m., Mayor Swearingen adjourned to the Regular City Council Meeting of March 17, 2020 In Remembrance of Amber Swartz

Submitted by:



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Heather Iopu, CMC

City Clerk

Approved by City Council: April 21, 2020

