

CITY COUNCIL MEETING
MINUTES
April 7, 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 **5:38 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 April 2, 2020 at 4:00 p.m. All legally required notice was provided. City Clerk Iopu announced change to the attendees of the Closed Session with City Manager Murray and Greg Ramirez as the Agency designated representatives. Announced that public comments would be received by email to the City Clerk during the meeting.

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

- 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

- C. CONFERENCE WITH LABOR NEGOTIATORS
Gov. Code § 54957.6
Employee organizations: Unrepresented positions- Assistant City Manager, Development Services Director, City Engineer, Finance Director, Fire Chief, Police Chief, Fire Battalion Chief, Human Resources Specialist, Planning Manager, Police Lieutenant, Public Works Manager, Recreation Manager, WWTP Manager

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

Mayor Swearingen reconvened the meeting at 7:24 p.m. and announced that there was no reportable action. Announced that Closed Session Items B & C of the Closed Session have been continued to the next meeting.

Mayor Swearingen gave his report to the public with information regarding the Covid-19 health crisis and encouragement to the public to stay safe and contact the City for assistance with questions and concerns.

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 submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **David Kurrent, Ivette Ricco, Rafael Menis, “James and Citizens for a Better Pinole”**

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.

The following speaker submitted written comments on Item 7D & 7E that were read aloud and will be filed with the agenda packet record for this meeting: **Rafael Menis**

- A. Approve the Minutes of February 25, 2020
- B. Receive the February 29, 2020 – March 13, 2020 List of Warrants in the Amount of \$488,193.18; the March 14, 2020 – April 3, 2020 List of Warrants in the Amount of \$238,142.06; the March 6, 2020 Payroll in the Amount of \$434,213.29; the March 20, 2020 Payroll in the Amount of \$403,041.51; and the April 3, 2020 Payroll in the Amount of \$408,503.14.
- C. Approving The Pinole Salary Schedule For All Represented And Unrepresented Employee Classifications In Conformance With California Code Of Regulations, Title 2, Section 570.5 [Action: Adopt Resolution per Staff Recommendation (De La Rosa)]
- D. Revised Five-Year Forecast [Action: Receive and File Report (A. Miller)]
- E. Housing Successor Annual Report For Fiscal Year 2018-19 [Action: Receive and File Report (De La Rosa)]
- F. Adopt A Resolution Accepting The Fernandez Park Restroom Building Replacement Project As Complete And Ratifying The Filing Of A Notice Of Completion [Action: Adopt Resolution per Staff Recommendation (T. Miller)]
- G. Adopt A Resolution Initiating Proceedings For The Annual Levy Of Assessments And Ordering The Preparation Of The Annual Engineer's Report For The Pinole Valley Road Landscape And Lighting Assessment District For Fiscal Year 2020/2021 [Action: Adopt Resolution per Staff Recommendation (T. Miller)]
- H. Adopt A Resolution To Adopt A List Of Projects For Fiscal Year 2020/21 Funded By SB 1: The Road Repair And Accountability Act Of 2017 [Action: Adopt Resolution per Staff Recommendation (T. Miller)]

ACTION: Motion by Council Members Tave/Martinez-Rubin to approve Consent Calendar Items A-H

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

Item 7I was pulled by Council member Salimi for a separate vote:

- I. Adopt A Resolution Accepting The Pinole-Hercules Water Pollution Control Plant Upgrade Project As Complete And Directing The Filing Of A Notice Of Completion
[Action: Adopt Resolution per Staff Recommendation (T. Miller)]

ACTION: Motion by Council Members Murray/Martinez-Rubin to approve Consent Calendar Item 7I

Vote:	Passed	4-0
	Ayes:	Swearingen, Martinez-Rubin, Murray, Tave
	Noes:	None
	Abstain:	Salimi
	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

- A. Fourth Of July Fireworks Show [Action: Discuss and Provide Direction (De La Rosa)]

Assistant City Manager De La Rosa presented a report with background information on the item.

The following speakers submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **"Jim, Neighbors and Friends"**

Council members made comments.

ACTION: Motion by Council Members Tave/Swearingen to continue the discussion of Fireworks to February 2021

Vote:	Failed	1-4
	Ayes:	Tave
	Noes:	Swearingen, Martinez-Rubin, Murray, Salimi
	Abstain:	None
	Absent:	None

No action taken and item moved off calendar.

10. NEW BUSINESS

- A. Adopt An Urgency Ordinance Enacting A Temporary Moratorium On Evictions

Due To Nonpayment Of Rent For Residential And Commercial Tenants Where The Failure To Pay Rent Is From Income Loss Resulting From The Novel Covid-19) [Action: Adopt Urgency Ordinance per Staff Recommendation (Casher)]

City Attorney Casher presented report and background information on the item.

The following speakers submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Rafael Menis, Rhovy Lyn Antonio**

Council members made comments and asked questions of staff.

Staff responded to questions.

ACTION: Motion by council members Martinez-Rubin/Tave adopt an urgency ordinance enacting a temporary moratorium on evictions due to nonpayment of rent for residential and commercial tenants where the failure to pay rent is from income loss resulting from the novel Covid-19, with the amendment to change the time period to 120 days

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

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements
- B. Mayoral & Council Appointments
- C. City Council Committee Reports & Communications

Mayor Pro Tem provided an update on WestCat service and how they are addressing the decrease in ridership amidst the Covid-19 crisis.

Council member Tave also commented on the WestCat service adjustments and stated that the website is a good source of information as the administrative offices are closed and staffing is limited at this time.

Council member Murray provided updates from RecycleMore and the current status of various recycling and disposal services in the County.

Council member Salimi announced recent local statistics of the COVID-19 crisis. Thanked the public to adhering to the shelter in place orders and that it is helping to slow the spread.

Council member Tave recognized the people who have tested positive for the virus and expressed well wishes to them.

Mayor Pro Tem Martinez-Rubin announced that it is important to take care of your mental health during the COVID-19 crisis. Asked the public to complete the Census 2020 survey. Thanked the public for their information requests and stated that she will continue to work on responses. Asked the public to not overfill recycle bins to aid the pickup process and keep streets clean.

D. Council Requests For Future Agenda Items

Council member Murray requested a status report on the street repair equipment and when work will be performed,

Council Member Murray requested a discussion item regarding issue with lighting and landscaping assessment district. Consensus given.

A. City Manager Report / Department Staff

Andrew Murray expressed well wishes to the community and reported that the City is available to help residents with questions and concerns.

B. City Attorney Report

No report.

12. ADJOURNMENT to the Regular City Council Meeting of April 21, 2020 In Remembrance of Amber Swartz.

Mayor Swearingen made comments honoring Bob Campbell a local public servant who recently passed away.

At 8:55 p.m., Mayor Swearingen adjourned to the Regular City Council Meeting of April 21, 2020 In Remembrance of Amber Swartz and Bob Campbell.

Submitted by:



Heather Joppa, CMC

City Clerk

Approved by City Council: May 5, 2020

