

**CITY COUNCIL MEETING**  
**MINUTES**  
**May 19, 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 **5:31** 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 May 14, 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 De La Rosa, Greg Ramirez

Employee organizations: IAFF

**B. CONFERENCE WITH LABOR NEGOTIATORS**

Gov. Code § 54957.6

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

C. CONFERENCE WITH LABOR NEGOTIATORS

Gov. Code § 54957.6

Agency designated representatives: City Manager Andrew Murray, Greg Ramirez

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

At 5:34 p.m., Mayor Swearingen convened the meeting to closed session.

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

At 6:35 p.m., Mayor Swearingen reconvened the meeting to open session 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 submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Francisco Flores, David Rupert, Rafael Menis, Kevin Pacotti, Ivette Ricco**

Mayor Swearingen presented his report to the community with information regarding the COVID-19 health crisis.

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

A. Proclamations

1. Recognizing May 17-23, 2020 as Public Works Week

The following speaker submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Devin Murphy**

Mayor Swearingen read the proclamation and presented it to Community Development Services Director/City Engineer Miller.

- B. Presentations / Recognitions  
1. Update on COVID-19 Crisis by Supervisor John Gioia

Supervisor Gioia provided a district update on the response to the COVID 19 crisis. Detailed current status of testing availability. Spoke regarding potential reopening of certain businesses as conditions improve. Encouraged the public to take all possible precautions to stay healthy.

Council members asked questions.

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

## 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 speakers submitted written comments for Item 7D that were read aloud and will be filed with the agenda packet for this meeting: **Devin Murphy, Ivette Ricco, David Rupert**

- A. Approve the Minutes of the Meeting of April 21, 2020
- B. Receive the May 2, 2020 – May 15, 2020 List of Warrants in the Amount of \$639,510.79 and the May 15, 2020 Payroll in the Amount of \$384,860.48
- C. Resolution Confirming Continued Existence Of Local Emergency [Action: Adopt Resolution per Staff Recommendation (Casher)]
- D. Extend Terms Of Planning Commissioners [Action: Adopt Resolution per Staff Recommendation (Iopu)]
- E. Approve And Authorize The City Manager To Execute An Amendment For Two Years To The Existing Agreement With Rosenow, Spevacek Group Inc (RSG) In The Total Amount Of \$112,550 For Affordable Housing Monitoring Services And Preparation Of The Housing Successor Agency Annual Report For Fiscal Year 2019-20 And Approve A Budget Appropriation From The Housing Successor Fund [Action: Adopt Resolution per Staff Recommendation (De La Rosa)]
- G. Adoption Of Sewer System Management Plan 2020 [Action: Adopt Resolution per Staff Recommendation (T. Miller)]
- H. Adopt A Resolution Approving The City Of Pinole's Title Vi Program [Action: Adopt Resolution per Staff Recommendation (T. Miller)]

**ACTION: Motion by Councilmembers Murray/Tave to Approve Consent Calendar Items A, B, C, D, E, G and H.**

**Vote: Passed 5-0**  
**Ayes: Swearingen, Murray, Martinez-Rubin, Salimi, Tave**

Noes: None  
Abstain: None  
Absent: None

Item 7F was pulled by Council member Salimi for further discussion.

- F. Authorizing The City Manager To Execute A Task Order With RSG, Inc. In The Amount Not To Exceed \$65,000 To Procure Commercial Real Estate Broker Services For The Sale Of Several Former Redevelopment And Housing Assets  
[Action: Adopt Resolution per Staff Recommendation (De La Rosa)]

City Manager Murray made comments regarding the history and recommended action for this item.

Council members asked questions of staff and made comments. Staff responded to questions.

**ACTION: Motion by Councilmembers Murray/Tave to Approve Consent Calendar Items 7 E**

Vote: Passed 5-0  
Ayes: Swearingen, Murray, Martinez-Rubin, 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

- A. Consider A Resolution Directing Staff To Fly The Rainbow Flag During The Month Of June [Action: Discuss and Provide Direction (Murray)]

City Manager Murray introduced the item and provided background information.

The following speakers submitted written comments that were read aloud and will be filed with the agenda packet record for this meeting: **Devin Murphy, Ivette Ricco, Kristen Pursley, Michael Ashburne, Rafael Menis, David Rupert, Maureen Toms, Sarah Flashman**

**ACTION: Motion by Councilmembers Tave/Martinez-Rubin to Approve A Resolution Directing Staff To Fly The Rainbow Flag During The Month Of June**

Vote: Passed 3-1-1  
Ayes: Martinez-Rubin, Salimi, Tave

Noes: Swearingen  
Abstain: Murray  
Absent: None

## 10. NEW BUSINESS

- A. Discussion And Direction Regarding Having City Staff Add A Graphic Promoting Census 2020 To Staff's Email Signature Block [Action: Discuss and provide Direction (Murray)]

The following speakers submitted written comments that were read aloud and will be filed with the agenda packet record for this meeting: **Ivette Ricco, Maureen Toms**

City Manager Murray introduced the item. Council members made comments and asked questions.

**ACTION: Motion by Councilmembers Swearingen/Tave Directing Staff To Add A Graphic Promoting Census 2020 To All Staff's Email Signature Blocks Through August 2020**

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

## 11. REPORTS & COMMUNICATIONS

- A. Mayor Report  
1. Announcements

Mayor Swearingen announced a request from the Pinole Valley High School principal to put up banners along Pinole Valley Road to celebrate the graduating class of 2020.

- B. Mayoral & Council Appointments

- C. City Council Committee Reports & Communications

Council member Murray announced that drive-up graduation ceremonies are being allowed for Contra Costa County in lieu of in-person celebrations.

Mayor Pro Tem Martinez-Rubin announced recent WESTCAT meeting topics. Service levels are reduced due to the COVID-19 health crisis. Thanked transportation staff for maintaining positive morale given challenging conditions. Announced the Beautification Ad-Hoc Committee met and is working on an update to bring back to Council. Announced the most recent Census 2020 response rate data for Pinole. Congratulated all the high school and college graduates for the Class of 2020. Thanked the City staff and called on the safety Chiefs to thank their staff for their work during the pandemic.

Council member Tave gave highlights of the recent WESTCAT meeting including detailing the efforts taken to keep the staff safe. Announced attendance at Congressman Thompson's town hall and summarized discussion regarding small business concerns amidst COVID-19

conditions. Congratulated 2020 graduates and highlighted the importance of education and lifelong learning.

Council member Salimi announced information regarding federal relief applications that were just released for small businesses.

**D. Council Requests For Future Agenda Items**

Mayor Pro Tem Martinez-Rubin requested a future agenda item extending the ordinance on the eviction moratorium which currently expires at the end of May. Consensus given.

Mayor Pro-Tem Martinez asked for a future agenda item for a report from the Beautification Committee. Consensus given.

Mayor Swearingen requested a future agenda item to discuss evaluating City policies and regulations related to outdoor dining for local restaurants during the COVID-19 emergency. Consensus given.

**E. City Manager Report / Department Staff**

No report.

**F. City Attorney Report**

No report.

**12. ADJOURNMENT** to the Regular City Council Meeting of June 2, 2020 In Remembrance of Amber Swartz.

At 9:08 p.m., Mayor Swearingen adjourned to the Regular City Council Meeting of June 2, 2020 In Remembrance of Amber Swartz.

**Submitted by:**



Heather Iopu, CMC  
City Clerk

Approved by City Council: July 21, 2020

