

CITY COUNCIL MEETING
MINUTES
June 2, 2020

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

The City Council Meeting was held via Zoom teleconference and was broadcasted from the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Swearingen called the Regular Meeting of the City Council to order **6:02 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 (present until 11:45 p.m.)
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 amended agenda was posted on May 29, 2020 at 12:00 p.m. and pointed out duplicate staff report pages that were published in the agenda packet. 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.

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

2. 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't Code § 87105.

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 REAL PROPERTY NEGOTIATORS
Gov. Code § 54956.8
Property: 811 San Pablo Avenue

Agency negotiator: City Manager Andrew Murray, Assistant City Manager Hector De La Rosa
Negotiating parties: Satellite Affordable Housing Associates and Power Community Development Systems, Inc
Under negotiation: Price and terms.

**OPEN SESSION WILL COMMENCE UPON CONCLUSION OF THE
CLOSED SESSION WHICH MAY OCCUR BEFORE 7:00 P.M.**

At 6:04 p.m. Mayor Swearingen convened the meeting to closed session.

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

At 7:07 p.m. Mayor Swearingen reconvened the meeting and announced that there was no reportable action from the closed session.

Mayor Swearingen made public safety announcements with regard to the COVID-19 pandemic and civil unrest in the Bay Area.

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: **Ivette Ricco, Rafael Menis, David Rupert, Irma Rupert, Maureen Toms, Maria Alegria**

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 that were read aloud regarding Item 7C and will be filed with the agenda packet for this meeting: **Rafael Menis**

- A. Approve the Minutes of the Meeting of March 24, 2020
- B. Receive the May 16, 2020 – May 29, 2020 List of Warrants in the Amount of \$185,906.96 and the May 29, 2020 Payroll in the Amount of \$359,392.26.

- C. Adopt A Resolution Approving A Memorandum Of Understanding Between The City Of Pinole And The Pinole Police Employees Association (PPEA) For The Period Of July 1, 2020 – June 30, 2022 [Action: Adopt Resolution per Staff Recommendation (De La Rosa)]
- D. Adopt A Resolution Approving An Agreement And Side Letter To The Memorandum Of Understanding Between The City Of Pinole And IAFF Local 1230 To Clarify Acting Battalion Chief Pay [Action: Adopt Resolution per Staff Recommendation (De La Rosa)]
- E. Resolution Confirming Continued Existence Of Local Emergency [Adopt Resolution per Staff Recommendation (Casher)]
- F. Resolution Declaring Certain Properties As Surplus Land And Directing The City Manager To Follow The Procedures Set Forth In The Surplus Lands Act For Sale Of The Properties: 2361 San Pablo Avenue, 2301 San Pablo Avenue, 2279 Park Street, And 612 Tennent Avenue [Action: Adopt Resolution per Staff Recommendation]

ACTION: Motion by Councilmembers Martinez-Rubin/Tave to Approve Consent Calendar Items A-F.

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.

- 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 For Fiscal Year 2020/2021 [Action: Conduct Public Hearing and Adopt Resolution per Staff Recommendation]

At 8:08 p.m. Mayor Swearingen opened and closed the public hearing. There were no public speakers.

ACTION: Motion by Councilmembers Swearingen/Tave Adopt A Resolution Confirming The Assessments And Ordering The Levy For The Pinole Valley Road Landscape And Lighting Assessment District For Fiscal Year 2020/2021

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

9. OLD BUSINESS

- A. Receive The Fiscal Year (FY) 2019-20 Third Quarter Financial Report And Adopt A Resolution Approving Budget Adjustments **[Adopt Resolution per Staff Recommendation (A. Miller)]**

Finance Director Miller presented an overview of the report and background information.

The following speakers submitted written comments that were read aloud regarding Item 9A and will be filed with the agenda packet for this meeting: **Ivette Ricco, Rafael Menis, Maureen Toms**

Staff responded to questions from the public. Councilmembers asked questions regarding the details of the report. Staff responded to questions.

ACTION: Motion by Councilmembers Tave/Martinez-Rubin to Receive The Fiscal Year (FY) 2019-20 Third Quarter Financial Report And Adopt A Resolution Approving Budget Adjustments

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

- B. Update On The Status Of Plans For The Renovation And Reuse Of The Faria House **[Action: Discuss and Provide Direction (De La Rosa)]**

Assistant City Manager De La Rosa presented and overview of the item and background information.

Jeff Rubin, President of the Pinole History Museum Board, gave a report with general information regarding museums and specifics of the Faria House museum project.

The following speaker submitted written comments and will be filed with the agenda packet for this meeting: **David Ruport, Denise Steen, Natalie Lens-Acuna, Susyn Normington, Dolores Faria Lucas/Deanna Faria Brownlee/Margaret Prather, Ivette Ricco, Joy Jennings**

Staff responded to public comments and questions.

Councilmembers made comments and asked questions. Staff responded to questions and comments.

Council held discussion regarding the history of the project and potential uses of the Faria House.

ACTION: Motion by Councilmembers Swearingen/Tave to Create An Ad Hoc Committee to Investigate Uses and Provide Guidance to Staff Regarding the Renovation and Reuse of the Faria House

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

Abstain: None
Absent: None

Substitute Motion by Councilmember Martinez/Rubin to Create An Ad Hoc Committee to Provide Guidance to Staff Regarding Financing of the Faria House Renovation and Use as Museum

Vote: Passed 5-0

Ayes: Swearingen, Murray, Martinez-Rubin, Salimi, Tave
Noes: None
Abstain: None
Absent: None

- C. Provide Direction On Renewal Of 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 Coronavirus (Covid-19) [Action: Discuss and Provide Direction (Casher)]

City Attorney Casher presented an overview of the item and background information.

The following speaker submitted written comments and will be filed with the agenda packet for this meeting: **Joellen Hiltbrand, Sophia DeWitt**

Councilmembers made comments.

City Attorney Casher advised that no action was needed by Council for the City of Pinole to follow the County-Wide moratorium. Council gave its consensus to take no action and continue to follow the County-enacted guidance.

10. NEW BUSINESS

- A. Discussion And Direction Regarding The Potential Acquisition Of 1261 Adobe Road [Action: Discuss and Provide Direction (De La Rosa)]

Assistant City Manager De La Rosa presented an overview of the item and background information.

The following speaker submitted written comments and will be filed with the agenda packet for this meeting: **Franke Martinez, Ivette Ricco, David Rupert**

Councilmembers made comments and asked questions.

Mayor Swearingen called a recess at 11:50 p.m. and reconvened the meeting at 11:55 p.m.

Councilmembers held continued discussion.

ACTION: Motion by Councilmembers Swearingen/Salimi To Direct Staff To Continue Investigation Of Funding Sources For Potential Acquisition Of 1261 Adobe Road

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

Absent: Murray

- B. Urgency Ordinance Of The City Of Pinole Authorizing The Zoning Administrator To Issue Temporary Use Permits And Waive Requirements Of Title 17 Of The Pinole Municipal Code To Facilitate Business Operations Impacted By Novel Coronavirus (Covid-19) [Action: Adopt Urgency Ordinance per Staff Recommendation (Casher)]

City Attorney Casher presented an overview of the item and provided background information.

The following speaker submitted written comments and will be filed with the agenda packet for this meeting: **Ivette Ricco, Lisa Ancira, Rafael Menis**

Councilmembers made comments and asked questions.

ACTION: Motion by Councilmembers Tave/Martinez-Rubin Approving An Urgency Ordinance Of The City Of Pinole Authorizing The Zoning Administrator To Issue Temporary Use Permits And Waive Requirements Of Title 17 Of The Pinole Municipal Code To Facilitate Business Operations Impacted By Novel Coronavirus (Covid-19)

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

11. REPORTS & COMMUNICATIONS

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

Mayor Pro Tem Martinez-Rubin expressed condolences to the Underwood family, recognized Public Works staff for their work in difficult times, and encouraged the public to continue to take precautions with regard to exposure to COVID-19. Provided an update on Census 2020 outreach. Advised the public to check in with WestCAT before using public transit to confirm routes information.

Mayor Swearingen announced peaceful protest that is going to take place in the Fernandez Park in the upcoming week and that the City's Police Department will be monitoring it to ensure safety.

Council member Tave announced regarding "bots" that are circulating on social media spreading false information with regard to upcoming peaceful protests. Advised that the City is aware and we will be taking precautions.

Councilmember Salimi announced that he will be attending the Mayor's Conference on June 4th.

- D. Council Requests For Future Agenda Items

Councilmember Salimi requested a future agenda item with a report of information regarding the funding of the Faria House. Consensus given.

Mayor Pro Tem Martinez-Rubin reminded staff regarding the earlier request for a future item to create an Ad Hoc Committee for the Faria House Reuse and Renovation. Direction approved under Item 9B.

E. City Manager Report / Department Staff

F. City Attorney Report

12. ADJOURNMENT to the Regular City Council Meeting of June 16, 2020 In Remembrance of Amber Swartz.

Mayor Swearingen adjourned the meeting to the Regular City Council Meeting of June 16, 2020 in Remembrance of Amber Swartz, the Military and Patrick Underwood.

I hereby certify under the laws of the State of California that the foregoing Agenda was posted on the bulletin board at the main entrance of Pinole City Hall, 2131 Pear Street Pinole, CA, and on the City's website, not less than 72 hours prior to the meeting date set forth on this agenda.

Submitted by:



Heather Topu, CMC
City Clerk

Approved by City Council: August 18, 2020

