

# CITY COUNCIL MEETING

MINUTES  
July 7, 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 broadcast 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  
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 July 2, 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.

Mayor Swearingen gave a report highlighting current local information relating to the COVID-19 pandemic.

## 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.

## NO CLOSED SESSION

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

## 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 Ruport, Ivette Ricco, Jeff Rubin, Maria Alegria, Rafael Menis, Sal Spataro**

## 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.*

Assistant City Manager Hector De La Rosa made a verbal announcement of Item 7C, in accordance with government code.

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

Mayor Pro Tem Martinez-Rubin announced a typo for correction in Item 7A for the record.

Council member Tave asked for clarification regarding details of the report for Item 7E. Community Development Director/City Engineer Miller responded to the question.

- A. Approve the Minutes of the Meeting of May 5, 2020
- B. Receive the June 13, 2020 – July 3, 2020 List of Warrants in the Amount of \$2,146,4173.74 and the June 26, 2020 Payroll in the Amount of \$394,308.62
- C. Approve An Amendment To City Manager Andrew Murray's And City Clerk Heather Iopu's Employment Agreement To Reflect A 3% Cost Of Living Increase Effective July 6, 2020 [Action: Adopt Resolutions per Staff Recommendation (De La Rosa)]
- E. Approve For Bidding The Plans And Specifications For The Fiscal Year 2019/20 Residential Slurry Seal Project [Action: Adopt Resolution per Staff Recommendation (T. Miller)]

- F. Adopt A Resolution Approving The Submittal Of Calendar Years 2018 And 2019 Growth Management Program (GMP) Compliance Checklist For Allocation Of Fiscal Years 2019-20 And 2020-21 Measure J Local Street Maintenance And Improvement Funds By The Contra Costa Transportation Authority (CCTA) **[Adopt Resolution per Staff Recommendation (T. Miller)]**

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

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

The following Consent Calendar Item 7D was pulled for further discussion:

- D. Review and Approve Financial Policies **[Action: Adopt Resolution per Staff Recommendation (A. Miller)]**

Council members asked questions regarding details of the report. Finance Director Miller and City Manager Murray responded to the questions. City Manager Murray suggested that the financial policies be reviewed at the next meeting of the Finance Subcommittee and brought back to the Council. Council gave its consensus.

## **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. Amendment to Section 17.70 Accessory Dwelling Unit Ordinance of the Pinole Municipal Code **[Action: Conduct Public Hearing on First Reading (T. Miller)]**

Community Development Director/City Engineer Miller presented a report.

At 6:46 p.m. Mayor Swearingen opened and closed the public hearing. There were no public speakers.

Council members asked questions regarding details of the report regarding noise concerns, length of stay, parking regulations, use permit changes, quantity, status of current ADUs, and code enforcement Staff addressed questions.

**ACTION: Motion by Councilmembers Swearingen/Salimi to Continue the Public Hearing and First Reading of the Amendment to Section 17.70 Accessory Dwelling Unit Ordinance of the Pinole Municipal Code to the August 21, 2020 meeting**

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

**Absent:       None**

## **9.       OLD BUSINESS**

- A.       Previously Approved Sewer User Rate Increase [**Action: Receive and file report (T. Miller)**]

Community Development Director/City Engineer Miller presented an overview and highlighted details of the report.

There were no comments from the public or Council.

- B.       Potential Funding Sources for the Faria House Renovation [**Action: Discuss and Provide Direction (De La Rosa)**]

Council members Tave and Murray provided an update from the Faria House Re-Use Ad Hoc Committee. Committee is in early stages of work and reviewing the history and creating a timeline of future meetings and path forward. Will be reporting back to the Council with findings at a future meeting.

The following speakers submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Aleta Martinez, Allen Dorsey, David Rupert, Elaine Jaymot, Eugene Stone, Frederick Hollister, Gary and Colleen Tipp, Irma Rupert, Ivette Ricco, Jack Meehan, Jeff Rubin, John Bender, Kristi McGuire, Laurelle Martin, Maria Alegria, Rafael Menis, Robert Sandner, Sal Spataro, Susan Varela**

Council members held discussion regarding the history of the project, the City's role, costs for and potential funding sources for restoration of the building.

No action taken. The ad hoc committee will report back to Council at a future meeting.

## **10.       NEW BUSINESS**

## **11.       REPORTS & COMMUNICATIONS**

- A.       Mayor Report  
1.       Announcements

Mayor Swearingen announced attendance at WCCTAC meeting and reviewed discussion topics. Discussed the impact that people returning to work as businesses reopen from pandemic related closures will have on traffic conditions.

Mayor Pro Tem announced attendance at WestCat meeting and reported that bids are being put out to contract construction of a bus wash. Announced Census 2020 updates. Encouraged public to continue to take precautions with regard to COVID-19 and stay safe.

Council member Murray announced attendance at WCCIMA meeting and reviewed discussion of topics; budget approval, RecycleMore's new offices and discounted bin promotion.

Council member Tave announced attendance at WestCat meeting and summarized the topics of discussion; monitoring of budget and ridership, drivers and riders complying well with health

orders. Cautioned the public that the age group contracting COVID-19 in high percentages in Pinole is young adults and asked the public to stay safe.

Council member Salimi encouraged any Pinole business owners in need to apply for the federal payroll protection plan. The application deadline was extended to August 8, 2020.

- B. Mayoral & Council Appointments
- C. City Council Committee Reports & Communications
- C. Council Requests For Future Agenda Items

Mayor Pro Tem Martinez-Rubin requested a future agenda item for the Faria House Reuse Committee to return with a report. Mayor Swearingen stated that he had already discussed having a regular report of the committee come back to the Council when there is information to report.

Council member Salimi requested a future agenda item to clarify the Council's direction regarding placing a fire services parcel tax measure on the ballot for the November 3, 2020 General Election. Consensus given.

Council member Murray requested a future agenda item to discuss a request from community members for permission for volunteers to rehabilitate the Fernandez Park basketball court in memoriam of Patrick Underwood. Consensus given.

Council member Salimi requested a future agenda item to provide an update on resources for business who are struggling due to the pandemic. City Manager Murray stated that the City's website has links to relevant information and County services and encouraged businesses to go there for resources.

Mayor Swearingen requested a future agenda item for an update report on park conditions. Consensus given.

- D. City Manager Report / Department Staff

City Manager Murray announced reopening of some City offices and facilities based on recent updates to health orders and stated that more information is available on the City's website.

- F. City Attorney Report

No report.

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

At 9:44 p.m. Council member Tave announced the passing and made comments in honor of Pinole community members Morris Kevin Osman and James "Jim" Shattuck.

At 9:45 p.m., Mayor Swearingen adjourned the meeting to the Regular City Council Meeting of July 21, 2020, In Remembrance of Amber Swartz, Morris Kevin Osman and James Shattuck.

**Submitted by:**



Heather Iopu, CMC  
City Clerk

**Approved by City Council: September 15, 2020**

