

**CITY COUNCIL MEETING**  
**MINUTES**  
**July 21, 2020**

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

The City Council Meeting was held via Zoom videoconference and broadcast from the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Swearingen called the Regular Meeting of the City Council to order **5:01** 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 (5:04 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  
Finance Director, Andrea Miller

City Clerk Iopu announced the agenda was posted on July 16, 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.

The following speakers submitted written comments for Item 3A that were read aloud and will be filed with the agenda packet for this meeting: **Rafael Menis**

At 5:04 p.m. Mayor Swearingen convened the meeting to a closed session.

**A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Gov. Code § 54957

Title: City Clerk

## B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Gov. Code § 54957

Title: City Manager

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

At 5:39 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 Ruport, Deborah Long, Diane De Silva Dyer, Donna Farish, Estela de Paz, Irma Ruport, Charles & Judy Dadisman, Ivette Ricco, Jeff Rubin, Jo Ann & Joel Gannotti, Kelly Bennett, Kibby Kleiman, Margaret Young, Maria Alegria, Phyllis Dill, and Rafael Menis**

### 6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

#### A. Proclamations

1. Proclamation Recognizing Finance Director Andrea Miller for Her Service to the City of Pinole

Mayor Swearingen read a Proclamation Recognizing Finance Director Miller and presented it to her. Council and staff made comments thanking Director Miller for her service. Director Miller made comments and thanked the City and staff for the honor.

#### B. Presentations / Recognitions

1. Bay Area Rapid Transit (BART) Presentation by Board President, Lateefah Simon

BART Board President Simon gave a slide presentation with an update regarding service levels, capital improvements, effects of COVID-19 on operations, budget, progressive policing, safety and access information for the public.

Council members asked questions. President Simon responded to Council questions.

2. West Contra Costa County Unified School District (WCCUSD) Update on Reopening of Schools and District Budget by Associate Superintendent of Business Services Dr. Tony Wolde

WCCUSD Associate Superintendent Dr. Wolde provided an update regarding the school district budget and the plan for reopening framework. Highlighted the virtual school model options being discussed in response to the pandemic and school closure.

Council members asked questions. Dr. Wolde responded to questions.

## **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.*

- A. Approve the Minutes of the Meeting of May 19, 2020.
- B. Receive the July 4, 2020 – July 17, 2020 List of Warrants in the Amount of \$1,738,731.89 and the July 10, 2020 Payroll in the Amount of \$410,184.27
- C. Resolution Confirming Continued Existence Of Local Emergency **[Action: Adopt Resolution per Staff Recommendation (Casher)]**
- D. Placement of Liens for Delinquent Unpaid Waste Collection Charges Falling Delinquent Between January and April 2020, Considered at an Administrative Hearing on June 4, 2020 **[Action: Adopt Resolution per Staff Recommendation (Iopu)]**
- E. Review and Approve the Master Fee Schedule **[Adopt Resolution per Staff Resolution (Miller)]**
- F. Receive the Quarterly Investment Report for the Quarter Ending June 30, 2020 **[Receive and File Report (A. Miller)]**
- H. Approve 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)]**

**ACTION: Motion by Councilmembers Martinez-Rubin/Murray to Approve Consent Calendar Items A-F and H**

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

Item 7G was pulled by Mayor Swearingen for further discussion.

- G. Authorize Response to Grand Jury Report: "Police Department Staffing" (Report 2004) **[Action: Adopt Resolution per Staff Recommendation (Gang)]**

The following speakers submitted written comments on Consent Calendar Item 7G that were read aloud and will be filed with the agenda packet for this meeting: **George Pursley, Kristen Pursley, Michael Ashburne, Rafael Menis, and Sarah Flashman**

Council members made comments. Police Chief Gang provided additional background information.

**ACTION: Motion by Councilmembers Tave/Martinez-Rubin to Approve Consent Calendar Item 7G**

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

**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)]**

Director Miller introduced Planning Manager David Hanham who provided an overview of the item and highlighted the action.

At 8:54 p.m. Mayor Swearingen opened and closed the public hearing. There were no public speakers.

Council members asked questions and made comments regarding the details of the report. Staff addressed the questions of Council.

**ACTION: Motion by Councilmembers Martinez-Rubin/Salimi to Approve 1<sup>st</sup> Reading of the Amendment to Section 17.70 Accessory Dwelling Unit Ordinance of the Pinole Municipal Code**

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

**9. OLD BUSINESS**

- A. Update On City Staff Activities Related To Preparing For A Potential November 2020 Ballot Measure and Special Parcel Tax for Fire Service **[Action: Discuss and Provide Direction (Murray)]**

City Manager Murray provided background information.

The following speakers submitted written comments on Item 9A that were read aloud and will be filed with the agenda packet for this meeting: **Maria Alegria, Rafael Menis, and Vincent Wells**

Council members made comments. Staff and Council held discussion regarding the timing of a potential parcel tax measure.

**ACTION: Motion by Councilmembers Swearingen/Tave to Direct Staff Not to Move Forward In Preparing A November 2020 Ballot Measure and Special Parcel Tax for Fire Service**

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

- B. Adopt a Resolution Accepting the Final Recommendations from the Fowler House Re-Use Committee [Action: Adopt Resolution per Staff Recommendation (T. Miller)]

Director Miller presented a report and highlighted the staff recommendation for Council. Council members asked questions. Staff responded to questions. Council held discussion regarding the details of the report.

**ACTION: Motion by Councilmembers Tave/Salimi to Adopt a Resolution Accepting the Final Recommendations from the Fowler House Re-Use Committee**

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

- C. Approve The Memorial Policy, Previously Named The Plaques, Monument, And Memorial Dedication And Acceptance Of Donated Equipment Or Material Policy [Action: Adopt Resolution per Staff Recommendation (De La Rosa)]

Assistant Manager De La Rosa presented the details of the report. Council members made comments. Staff responded to comments.

Council suggested some amendments to the language of the policy which was noted by staff.

**ACTION: Motion by Councilmembers Tave/Salimi to Approve The Memorial Policy, Previously Named The Plaques, Monument, And Memorial Dedication, As Amended**

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

- D. Approve an Amendment to the Operating Agreement for Aquatic Program Coordination and Facility Use With the Pinole Seals for Use of the Swimming Pool From June 27 – July 31, 2020 and Authorize the City Manager to Execute the Agreement [**Action: Adopt Resolution per Staff Recommendation (De La Rosa)**]

Assistant Manager De La Rosa provided an overview of the item to Council. Council members made comments. Staff responded to comments.

**ACTION: Motion by Councilmembers Murray/Martinez-Rubin to Approve an Amendment to the Operating Agreement for Aquatic Program Coordination and Facility Use With the Pinole Seals for Use of the Swimming Pool From June 27 – July 31, 2020 and Authorize the City Manager to Execute the Agreement**

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

## **10. NEW BUSINESS**

- A. Resolution Naming the Basketball Court at Fernandez Park After David Patrick Underwood and Authorizing City Staff to Collaborate with Community Partners to Repave and Repaint the Court [**Action: Adopt Resolution per Staff Recommendation (Murray)**]

City Manager Murray presented an overview of the item.

The following speakers submitted written comments on Item 10A that were read aloud and will be filed with the agenda packet for this meeting: **Ivette Ricco**

Council member Murray provided additional context. Announced details of the community effort to help complete the project and dedication to Officer David Patrick Underwood.

Council members made comments in support of the project.

**ACTION: Motion by Councilmembers Swearingen/Murray to Adopt a Resolution Naming the Basketball Court at Fernandez Park After David Patrick Underwood and Authorizing City Staff to Collaborate with Community Partners to Repave and Repaint the Court**

**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 gave report with information regarding the pandemic and current regulations with regard to local businesses. Highlighted safety information and police service in Pinole.

Announced attendance at Mayor's Conference and the topic of discussion; mental health awareness, especially within the homeless population.

B. Mayoral & Council Appointments

None.

C. City Council Committee Reports & Communications

Mayor Pro Tem Martinez-Rubin reminded the public to be cautious and continue to practice social distancing and wearing a mask during the pandemic. Encouraged the public to complete the Census if they have not yet.

Council member Salimi announced local COVID-19 statistics. Encouraged residents and Council to remain vigilant.

Council member Tave cautioned the public to remain careful during the pandemic. Announced attendance at the MTE meeting and announced discussion topics; storing reserves and budget concerns. Provided an update of the Faria House Re-Use Ad Hoc committee; initial discussions and planning taking place.

Council member Murray confirmed that Faria House Re-Use Ad Hoc is creating a workplan and will come back with a report at a later time. Announced Household Hazardous Waste Event hosted by Recycle More was very successful.

D. Council Requests For Future Agenda Items

Council member Tave asked when the Grand Jury Response related to Fire services would be come before Council. City Manager Murray stated that it would be on the next meeting agenda on August 18, 2020.

E. City Manager Report / Department Staff

No report.

I. City Attorney Report

City Attorney Casher announced that the Contra Costa County Eviction Moratorium has been extended to September 30<sup>th</sup> by the Board of Supervisors.

**12. ADJOURNMENT** to the Regular City Council Meeting of August 18, 2020 In Remembrance of Amber Swartz and Congressman John Lewis

At 10:45 p.m., Mayor Swearingen adjourned to the Regular City Council Meeting of June 2, 2020 In Remembrance of Amber Swartz.

**Submitted by:**



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**Heather Iopu, CMC**  
**City Clerk**

**Approved by City Council: October 6, 2020**

