

CITY COUNCIL MEETING
MINUTES
August 18, 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 **6:15** 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 (Absent)
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 August 13, 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.

At 6:18 p.m. Mayor Swearingen convened the meeting to a closed session.

A. CONFERENCE WITH LABOR NEGOTIATORS

Gov. Code § 54957.6

Agency designated representatives: City Attorney Eric Casher

Unrepresented employee: City Clerk Heather Iopu

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

At 6:27 p.m., Mayor Swearingen reconvened the meeting to open session and announced that there was no reportable action.

Mayor Swearingen gave a report with information regarding the current pandemic and provided local updates with regard to transportation, return to school and planned power outages.

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 Rupert, Irma Rupert, Ivette Ricco, Jeff Rubin Rafael Menis, Sarah Flashman**

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.

Council member Tave asked regarding details of the report for Item 7B. City Manager Murray clarified the details of the report.

City Attorney Casher advised that written correspondence had been received and are under review for Item 7D. Asked that the Council continue the item to the next meeting.

ACTION: Motion by Councilmembers Tave/Martinez-Rubin to Continue Item D to the September 1, 2020 meeting

Vote:	Passed	4-0-1
	Ayes:	Swearingen, Martinez-Rubin, Salimi, Tave
	Noes:	None
	Abstain:	None
	Absent:	Murray

- A. Approve the Minutes of the Meeting of May 26, 2020 and June 2, 2020
- B. Receive the July 18, 2020 – August 14, 2020 List of Warrants in the Amount of \$1,226,070.28; the July 24, 2020 Payroll in the Amount of \$431,143.46 and the August 7, 2020 Payroll in the Amount of \$472,388.77
- C. Resolution Confirming Existence of Continued Local Emergency **[Action: Adopt Resolution per Staff Recommendation (Casher)]**

- F. Award Of Contract For Construction Of The 2019/20 Residential Pavement Slurry Seal Project At Various Locations To Valley Slurry Seal International Inc. In The Amount Of \$763,000 [Action: Adopt Resolution per Staff Recommendation (Miller)]
- G. Rescinding Resolution No. 18-2009 And Approving A Resolution Authorizing Investment Of Monies In The Local Agency Investment Fund [Action: Adopt Resolution per Staff Resolution (De La Rosa)]

ACTION: Motion by Councilmembers Tave/Salimi to Approve Consent Calendar Items A, B, C, F and G

Vote: **Passed** **4-0-1**
 Ayes: **Swearingen, Martinez-Rubin, Salimi, Tave**
 Noes: **None**
 Abstain: **None**
 Absent: **Murray**

Agenda Item 7E was pulled for further discussion.

- E. Authorize Response To Grand Jury Report: "Wildfire Preparedness In Contra Costa County" (Report #2007) [Action: Approve and Authorize Mayor to Sign Response Letter (Wynkoop)]

The following speakers submitted written comments on Consent Calendar Item 7E that were read aloud and will be filed with the agenda packet for this meeting: **Irma Ruport, Maureen Toms**

Fire Chief Wynkoop provided a summary of the staff report and background information. Council members asked questions. Staff responded to questions.

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

Vote: **Passed** **4-0-1**
 Ayes: **Swearingen, Martinez-Rubin, Salimi, Tave**
 Noes: **None**
 Abstain: **None**
 Absent: **Murray**

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. City Of Pinole Strategic Plan 2020 – 2025 Implementation Action Plan [Action: Receive and File Report (Murray)]

City manager Murray presented an overview of the item and action. Council members asked questions. Staff responded to questions.

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

10. NEW BUSINESS

- A. Determination Of Public Convenience Or Necessity (PCN) For East Bay Coffee Company At 2529 San Pablo Avenue (Cup 20-03) [Action: Adopt Resolution per Staff Recommendation (Hanham)]

Planning Manger Hanham introduced the item and highlighted the recommended action.

ACTION: Motion by Councilmembers Tave/Salimi to Adopt Resolution Approving Determination Of Public Convenience Or Necessity (PCN) For East Bay Coffee Company At 2529 San Pablo Avenue (Cup 20-03)

Vote:	Passed	4-0-1
	Ayes:	Swearingen, Martinez-Rubin, Salimi, Tave
	Noes:	None
	Abstain:	None
	Absent:	Murray

- B. Resolution Authorizing The City Manager To Execute An Agreement With Management Partners To Conduct A Citywide Organizational Assessment [Action: Adopt Resolution per Staff Recommendation (Murray)]

City manager Murray presented an overview of the item and action. Council members asked questions. Staff responded to questions.

ACTION: Motion by Councilmembers Tave/Martinez-Rubin to Adopt Resolution Authorizing The City Manager To Execute An Agreement With Management Partners To Conduct A Citywide Organizational Assessment

Vote:	Passed	4-0-1
	Ayes:	Swearingen, Martinez-Rubin, Salimi, Tave
	Noes:	None
	Abstain:	None
	Absent:	Murray

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
1. Announcements

Mayor Swearingen thanked the Richmond/El Sobrante Elks Club for their annual donation of \$1250 to the Pinole Youth Center.

B. Mayoral & Council Appointments

C. City Council Committee Reports & Communications

Council member Tave reported that Philips 66 and Marathon Refineries have converted to bio diesel fuel business models in response to State's executive order. Provided an update from the Faria House Reuse Ad Hoc Committee. Committee is making progress with fact-finding and will have more detailed report to bring back soon.

Mayor Pro Tem Martinez-Rubin reported out on attendance at WestCat Board meeting and highlighted discussion topics; service contracts and Covid-19 service impacts. Reported on discussion of regional blue ribbon transit task force being formed to coordinate local public transportation amidst the pandemic.

Reported attendance at West County Mayor's Conference and discussion topics; consideration of metrics to use for homelessness/affordable housing planning, emergency services.

City Clerk Iopu provided an update regarding the 2020 Census and the November 3rd General Election 2020. Announced an upcoming presentation by County Elections Staff at the October 6th Council meeting.

Mayor Pro Tem announced an award received by Pinole's Police Department. Chief Police Gang gave details of the 2020 Technology Award for Pinole's Video Reporting model.

D. Council Requests For Future Agenda Items

Mayor Swearingen asked whether there are updates regarding the eviction moratorium. City Attorney Casher responded that we are following the County's current order which is set to expire at the end of September. Request for an agenda item on to discuss any bills that deal with options for landlord relief. Consensus given.

Council member Tave requested an update on downtown parking study. Consensus given.

Mayor Pro Tem Martinez-Rubin requested an update regarding the status of a Preservation Ordinance in Pinole. Community Development Services Director Miller provided an update. City Attorney Casher advised that the Municipal Code Subcommittee will reconvene in order to bring a status report back to Council.

Council member Tave requested a future agenda item to discuss holiday lighting in the downtown area. Consensus given.

Council member Salimi requested a future agenda item to discuss holding a virtual food drive. City Manager Murray stated that there are different resources that are available by other local organizations and advised that the city website has more information listed.

E. City Manager Report / Department Staff

City Manager Murray provided clarification on a question from Council member Tave regarding a payment referenced in Agenda Item 7B, Warrants.

F. City Attorney Report

No report.

12. ADJOURNMENT to the Regular City Council Meeting of September 1, 2020 In Remembrance of Amber Swartz.

At 9:03 p.m. Mayor Swearingen adjourned to the Regular City Council Meeting of September 1, 2020 In Remembrance of Amber Swartz.

Submitted by:



Heather Iopu, CMC
City Clerk

Approved by City Council: October 20, 2020

