

CITY COUNCIL MEETING

MINUTES

September 1, 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 5:03 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 August 27, 2020 at 5:00 p.m. All legally required notice was provided. There was an additional item provided to Council after the posting of the agenda related to Item 8A.

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 5:05 p.m. Mayor Swearingen convened the meeting to a closed session.

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Gov. Code § 54957
Title: City Manager

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

At 7:10 p.m., Mayor Swearingen reconvened the meeting to open session and announced that there was no reportable action.

Mayor Swearingen gave a report with local information regarding the current pandemic.

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

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

B. Presentations / Recognitions

1. Caltrans Presentation by Nicolas Singh, David Man, and Maria Hionides

Mayor Swearingen introduced the item. City Manager Murray introduced the speakers. Nicolas Singh and Maria Hionides presented an update regarding local transportation issues and the I-80 Smart Corridor project. Council members asked questions regarding the metered lights and littering issue at the freeway entrance. Caltrans representatives responded to questions.

2. City of Pinole Camera Program by Police Lieutenant Gene Alameda

Police Chief Gang introduced the item and provided background information. Lieutenant Alameda presented an update of the Pinole Camera Program. Council members made comments and asked questions. Staff responded to Council members' questions.

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

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.

Mayor Swearingen pulled Item 7D at the request of staff. Assistant City Manager De La Rosa made a verbal announcement of this item in compliance SB 1436.

Mayor Swearingen pulled Item 7E for further discussion. City Attorney Casher provided a brief introduction to the item and asked the City Clerk to read a written comment that was received regarding this item.

The following speaker submitted written comments for Item 7E and were read aloud and will be filed with the agenda packet for this meeting: **Matthew Gelfand**

- A. Approve the Minutes of the Meeting of June 16, 2020
- B. Receive the August 15, 2020 – August 28, 2020 List of Warrants in the Amount of \$334,022.35 and the August 21, 2020 Payroll in the Amount of \$414,459.32
- C. Resolution Confirming Continued Existence Of Local Emergency **[Action: Adopt Resolution per Staff Recommendation (Casher)]**
- D. Approve An Amendment To City Clerk Heather Iopu's Employment Agreement To Ratify A Merit Increase Salary Adjustment **[Action: Adopt Resolution per Staff Recommendation (De La Rosa)]**
- E. Amendment to Section 17.70 Accessory Dwelling Unit Ordinance of the Pinole Municipal Code **[Action: Adopt Ordinance on Second Reading (Casher)]**

ACTION: Motion by Councilmembers Tave/Salimi to Approve Consent Calendar Items A-E.

Vote:	Passed	5-0
	Ayes:	Swearingen, Martinez-Rubin, Murray, 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. Determination Of Public Convenience Or Necessity (PCN) For Grocery Outlet At 1460 Fitzgerald Drive (CUP 20-05) **[Action: Conduct Public Hearing and Adopt Resolution per Staff Recommendation (Hanham)]**

Planning Manager Hanham provided an overview of the item and background information.

At 9:02, Mayor Swearingen opened and closed the public hearing. There were no public speakers.

Mayor Swearingen asked for clarification regarding details of the staff report. Applicant responded to the question.

ACTION: Motion by Councilmembers Tave/Salimi to Approve Of Public Convenience Or Necessity (PCN) For Grocery Outlet At 1460 Fitzgerald Drive (CUP 20-05)

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

9. OLD BUSINESS

- A. Discussion Regarding Installation Of Benches On Galbreth Road [Action: Discuss and Provide Direction (Miller)]

Community Services Development Director/City Engineer Miller presented a report with background information and summarizing possible options for Council action.

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

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

ACTION: Motion by Councilmembers Salimi/Murray to Approve Item #2 of the Staff Recommendation with the Addition of Two Benches at Galbreath Road and Creation of Pocket Parks

Vote: Passed 3-2
Ayes: Swearingen, Salimi, Murray
Noes: Tave, Martinez-Rubin
Abstain: None
Absent: None

10. NEW BUSINESS

- A. Adopt A Resolution Authorizing The City Manager To Execute A Contract With Carollo Engineers To Prepare A Sanitary Sewer Collection System Master Plan In An Amount Not To Exceed \$449,000 [Action: Adopt Resolution per Staff Recommendation (Miller)]

Community Services Development Director/City Engineer Miller presented a report with background information. Council members asked questions. Staff responded to questions.

ACTION: Motion by Councilmembers Tave/Martinez-Rubin to Adopt A Resolution Authorizing The City Manager To Execute A Contract With Carollo Engineers To Prepare A Sanitary Sewer Collection System Master Plan In An Amount Not To Exceed \$449,000

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

- B. Resolution Supporting The Contra Costa County Jurisdictions' Support For The "Plan Bay Area 2050 Baseline Data Methodology" For The Regional Housing Needs Allocation (RHNA) Process [Action: Review and Consider Adoption of Resolution per Staff Recommendation (Murray)]

City Manager Murray presented a report with background information and highlighted the staff recommendation.

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

ACTION: Motion by Councilmembers Murray/Martinez-Rubin to Adopt A Resolution Supporting The Contra Costa County Jurisdictions' Support For The "Plan Bay Area 2050 Baseline Data Methodology" For The Regional Housing Needs Allocation (RHNA) Process

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

- C. Appoint A Councilmember And Up To Two Alternative Voting Delegates To Vote On The League Of California Cities Annual Conference Resolution and Provide Direction Regarding League's Proposed Resolution [Action: **Make Appointment of Delegate and Provide Voting Direction (De La Rosa)**]

Assistant City Manager De La Rosa presented a report.

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

Council members held discussion regarding potential support or action of the Council.

At 10:36 p.m., Mayor Swearingen called a recess.

At 10:40 p.m. reconvened the meeting.

Council members continued their discussion of the item.

Council gave direction to staff to draft a letter summarizing the concerns of the Council related to this resolution to be presented to the League of CA Cities.

ACTION: Motion by Councilmembers Murray/Swearingen to Appoint Mayor Pro Tem Martinez-Rubin as Voting Delegate and Council members Tave and Salimi as the Alternative Voting Delegates.

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

Council gave its consensus to bring this issue back for consideration at the next Council meeting so the Council can provide direction to the voting delegate on whether or not to support the proposed resolution at the conference

11. REPORTS & COMMUNICATIONS

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

Council member Tave reported that there is an upcoming meeting of the Faria House Ad Hoc Committee. Council member Salimi asked questions regarding the upcoming meeting.

Council member Martinez-Rubin asked the public to encourage their neighbors and friends to complete the Census 2020 surveys. Provided pandemic information and warned the public to continue to take precautions.

- D. Council Requests For Future Agenda Items
- E. City Manager Report / Department Staff

City Manager Murray announced that the annual Coastal Cleanup Day has been changed to Coastal Cleanup Month with activities that have been modified for safety and details can be found on the City website. Announced that the City launched its Facebook page and it will be updated on a regular basis with information pertaining to Pinole.

- F. City Attorney Report

City Attorney Casher announced passing of SB 793 that prohibits flavored cigarettes in CA does not affect our local ordinance that is already in place.

City Attorney Casher also provided an update with regard to Mayor Swearingen's request at a previous meeting for review of any legislation that deals with assistance for landlords due to pandemic conditions. None of the potential legislation moved forward so there is no further guidance recommended for review at this time.

Announced that a statewide moratorium on evictions was passed via AB 3088. Announced that the CDC is also considering an eviction moratorium. The City Attorney's office is monitoring this and will provide an update when appropriate.

Provided an update on the Pinole urgency ordinance that was recently passed for use of outdoor spaces for use by businesses during local emergency conditions. There will be a future agenda item coming forward to discuss additional types of uses of spaces such as exercise classes in parks, etc.

12. ADJOURNMENT to the Regular City Council Meeting of September 15, 2020 In Remembrance of Amber Swartz.

At 11:14 p.m. Mayor Swearingen adjourned to the Regular City Council Meeting of September 15, 2020 In Remembrance of Amber Swartz.

Submitted by:



Heather Iopu, CMC
City Clerk

Approved by City Council: November 3, 2020

