

**CITY COUNCIL MEETING**  
**MINUTES**  
**September 15, 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 (5:03 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 agenda was posted on September 10, 2020 at 5:00 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.

**A. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Gov. Code § 54957.6

Agency designated representatives: City Manager Andrew Murray  
Employee organizations: Unrepresented positions - Assistant City Manager, Development Services Director/City Engineer, Finance Director, Fire Chief, Police Chief, Fire Battalion Chief, Human Resources Specialist, Planning Manager, Police Lieutenant, Public Works Manager, Recreation Manager, & WWTP Manager

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Gov. Code § 54956.8

Property: APNs: 402-230-015, 402-230-016, 402-230-017, 402-230-018, 402-230-020 and 402-230-022

Agency negotiator: City Manager Andrew Murray, Assistant City Manager Hector De La Rosa, Legal Counsel Stephanie Downs

Negotiating parties: General Realty CE, LLC

Under negotiation: Price and terms

At 5:02 p.m. Mayor Swearingen convened the meeting to a closed session.

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

At 6:24 p.m. Mayor Swearingen reconvened the meeting to open session and announced that there was no reportable action from the closed session.

Mayor Swearingen gave a report highlighting the impacts of COVID-19 in the Pinole community and information relating to CA wildfires.

#### **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: **Rafael Menis, David Ruport, Sal Spataro, Ivette Ricco**

#### **6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS**

##### **A. Proclamations**

##### **B. Presentations / Recognitions**

1. Proclamation Honoring Wastewater Treatment Plant Manager, Ron Tobey, on the Occasion of His Retirement

Mayor Swearingen read a Proclamation honoring Ron Tobey for his dedication to Pinole serving as Wastewater Treatment Plant Manager. Mayor and Council members thanked Mr. Tobey for his years of service. Community Services Director/City Engineer Tamara Miller recognized Ron Tobey's many successes and thanked him for his service. Mr. Tobey thanked staff and Council.

#### **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 relating to Item 7D that were read aloud and will be filed with the agenda packet for this meeting: **Irma Ruport**

City Attorney Casher responded to the questions raised in the public comment.

- A. Approve the Minutes of the Meeting of July 7, 2020
- B. Receive the August 29, 2020 – September 11, 2020 List of Warrants in the Amount of \$365,499.09 and the September 4, 2020 Payroll in the Amount of \$453,402.96.
- C. Resolution Confirming Continued Local Emergency **[Action: Adopt Resolution per Staff Recommendation (Casher)]**
- D. Amendment to the City of Pinole Conflict of Interest Code **[Action: Adopt Resolution per Staff Recommendation (Iopu)]**

**ACTION: Motion by Councilmembers Murray/Tave to Approve Consent Calendar Items 7A-7D**

<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. Approve The City Of Pinole Fiscal Year (FY) 2020-21 Through 2024-25 Five-Year Capital Improvement Plan And Adopt The FY 2020-21 Capital Budget **[Action: Conduct Public Hearing and Adopt Resolution per Staff Recommendation (Miller)]**

Community Development Services Director/City Engineer made a presentation highlighting the details of the CIP.

At 7:18 p.m. Mayor Swearingen opened the public hearing.

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

At 7:20 p.m Mayor Swearingen closed the public hearing.

Council members asked questions. Staff responded to questions.

**ACTION: Motion by Councilmembers Salimi/Tave to Approve The City Of Pinole Fiscal Year (FY) 2020-21 Through 2024-25 Five-Year Capital Improvement Plan And Adopt The FY 2020-21 Capital Budget**

<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>

**Abstain: None**  
**Absent: None**

- B. Amendment To Chapter 15.54 Water Efficient Landscape Ordinance (WELO) Of The Pinole Municipal Code [**Action: Conduct Public Hearing on First Reading of Ordinance per Staff Recommendation (Hanham)**]

Planning Manager Hanham presented a report to the Council detailing the proposed ordinance amendment.

At 7:58 p.m. Mayor Swearingen opened and closed the public hearing. There were no public speakers.

Council members asked questions of staff regarding the details of the report. Staff responded to questions.

**ACTION: Motion by Councilmembers Tave/Murray to Approve Amendment To Chapter 15.54 Water Efficient Landscape Ordinance (WELO) Of The Pinole Municipal Code on First Reading**

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

## **9. OLD BUSINESS**

- A. Direction To The City's Voting Delegate To The League Of California Cities Annual Conference Regarding The Resolution Being Considered By The League's Members [**Action: Discuss and Provide Direction (Murray)**]

City Manager Murray presented a report. City Council members held discussion. There were concerns expressed regarding the potential implications of the resolution including outsourcing of social media platforms to other countries, and impact on 1<sup>st</sup> amendment and 4<sup>th</sup> amendment constitutional rights.

**ACTION: Motion by Councilmembers Salimi/Murray to Support the Resolution Being Considered By The League of CA Cities and Direct Staff to Draft A Letter Outlining Considerations of the Council to Be Presented at the League of CA Cities Annual Conference**

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

- B. Urgency Ordinance Amending Ordinance No. 2020-03 Of The City Of Pinole Authorizing The Zoning Administrator To Issue Temporary Use Permits To Waive Requirements Of Title 17 Of The Pinole Municipal Code And Permit The Use Of Public Property To Facilitate Business Operations Impacted By Novel Coronavirus (Covid-19) **[Action: Adopt Urgency Ordinance per Staff Recommendation (Casher)]**

City Attorney Casher presented a report to the Council and provided an overview of the recommendation. Council members asked questions. Staff responded to questions.

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

Council members made comments and asked questions. City Attorney Casher responded to comments.

**ACTION: Motion by Councilmembers Murray/Tave to Approve Urgency Ordinance Amending Ordinance No. 2020-03 Of The City Of Pinole Authorizing The Zoning Administrator To Issue Temporary Use Permits To Waive Requirements Of Title 17 Of The Pinole Municipal Code And Permit The Use Of Public Property To Facilitate Business Operations Impacted By Novel Coronavirus (Covid-19)**

<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>

## **10. NEW BUSINESS**

- A. Receive Old Town Pinole Parking And Pedestrian Safety Study **[Action: Receive and File Report (Hanham)]**

Planning Manager Hanham presented a brief introduction to the item. Consultant Brett Hondorf presented a summary of the Old Town Pinole Parking and Pedestrian Safety Study. Council members asked questions. Mr. Hondorf and staff responded to questions.

- B. Approve A Policy To Permit The Installation Of Lights On City Trees In The Old Town Business District By Business Owners **[Action: Approve Policy per Staff Recommendation (Miller)]**

Community Development Services Director/City Engineer presented a report to the Council detailing the proposed policy.

The following speakers submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Irma Rupert, Bill & Lisa Ancira**

**ACTION: Motion by Councilmembers Martinez-Rubin/Tave Approve A Policy To Permit The Installation Of Lights On City Trees In The Old Town Business District By Business Owners, With the Amendment that the City Will Pay the Costs for the Lights and Installation**

<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>

Council members held discussion regarding options for tree lighting for the holiday season as well as the full year. Council gave its consensus to direct staff to bring back cost information and possible proposal at a future meeting for the City to pay for the installation and maintenance of lights as well as a possible expansion of the area being lit for the full year.

- C. Receive The Fiscal Year (FY) 2019-20 Fourth Quarter Financial Report (Unaudited) And Adopt A Resolution Approving Budget Adjustments [Action: Adopt Resolution per Staff Recommendation (G. Rocha)]**

Finance Consultant Rocha presented an overview of the report to the Council.

At 10:58 p.m. Mayor Swearingen called a short recess.

At 11:02 p.m. Mayor Swearingen reconvened the meeting.

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

Finance Consultant Rocha and City Manager Murray answered the questions raised during the public comment.

**ACTION: Motion by Councilmembers Swearingen/Murray to continue the meeting to 11:30 p.m.**

<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>

Council members asked questions regarding the details of the report. Finance Consultant Rocha and City Manager Murray answered questions from Council.

## **11. REPORTS & COMMUNICATIONS**

- A. Mayor Report**  
**1. Announcements**

Mayor Swearingen and Council member Murray announced the Fernandez Park Basketball court is being redone in honor of David Patrick Underwood and that the project is well underway.

Mayor Swearingen announced the ballot box at City Hall that is available for Vote by Mail ballots. Asked Assistant City Manager to provide an update about the Senior Center. Assistant City Manager De La Rosa announced that recreation staff is working to reopen the Senior

Center and to improve the communication to its members. He provided updates regarding programs being offered.

B. Mayoral & Council Appointments

C. City Council Committee Reports & Communications

Mayor Swearingen attended the Mayor's Conference and he announced a presentation and discussion held regarding mental health considerations in emergency calls to law enforcement. Mayor Pro Tem provided additional details regarding solutions that are being discussed across cities in the County.

Mayor Pro Tem Martinez-Rubin announced the status of the Census 2020 and encouraged the public to respond if they haven't already.

Council member Tave provided additional context regarding the Mayor's Conference meeting and discussions of mental health. He is working with city staff and other local legislators to continue dialogue on the topic and will report back. Provided an update regarding the Faria House Reuse Ad Hoc Committee. The work of the Committee is making progress and there will be a report to the full Council soon.

Council member Salimi asked for more of an update regarding the Faria House Ad Hoc Committee. Council member Tave and Council Member Murray restated that progress is being made and that the committee is going to be able to bring back a full report, soon.

D. Council Requests For Future Agenda Items

Mayor Pro Tem Martinez-Rubin asked for a future agenda item to discuss improved wayfinding signage in the City of Pinole, particularly downtown. Consensus given.

E. City Manager Report / Department Staff

F. City Attorney Report

City Attorney Casher announced that there was a meeting of the Municipal Code Subcommittee to discuss the Historical Preservation Ordinance. There will be a report back to the Council at an upcoming meeting.

**12. ADJOURNMENT** to the Regular City Council Meeting of October 6, 2020 In Remembrance of Amber Swartz.

At 12:01 p.m. Mayor Swearingen adjourned the meeting in honor of C. B Williams and Amber Swartz.

  
Heather Iopu, CMC  
City Clerk

Approved by City Council: 11/17/2020

