

# CITY COUNCIL MEETING

## MINUTES

January 19, 2021

### 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 Martínez-Rubin called the Regular Meeting of the City Council to order at 6:05 p.m. and led the Pledge of Allegiance.

### 2. ROLL CALL, CITY CLERK'S REPORT & STATEMENT OF CONFLICT

#### A. COUNCILMEMBERS PRESENT

Norma Martínez-Rubin, Mayor  
Vincent Salimi, Mayor Pro Tem  
Devin Murphy, Council Member  
Anthony Tave, Council Member  
Maureen Toms, Council Member

#### B. STAFF PRESENT

Andrew Murray, City Manager  
Hector De La Rosa, Assistant City Manager (Deputy City Clerk)  
Eric Casher, City Attorney  
Tamara Miller, Development Services Director/City Engineer  
David Hanham, Planning Manager

Assistant City Manager De La Rosa announced that the agenda was posted on January 14, 2021 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.

#### NO CLOSED SESSION SCHEDULED

### 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. Individuals may not share or offer time to another speaker. 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, Irma Ruport, Bob Kopp, Roy Swearingen, John Woolley**

City Attorney Casher responded to the public comment at the request of Mayor Martinez-Rubin.

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

### **A. Proclamations**

#### **1. Proclamation Recognizing City Employees for Their Work During COVID-19**

Mayor Martinez-Rubin read the proclamation and made statements in recognition and appreciation of staff's work throughout the pandemic.

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

#### **1. Recognition of City Employee New Hires, Promotions and Retirements**

City Manager Murray presented a report of new hires, promotions and retirements to the City Council. Mayor Martinez-Rubin made comments recognizing the employees mentioned.

The following speaker submitted written comments related to items 6A and 6B that were read aloud and will be filed with the agenda packet for this meeting: **David Ruport**

## **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 related to item 7F that were read aloud and will be filed with the agenda packet for this meeting: **Irma Ruport**

Director Miller responded to public comment at the Mayor's request regarding item 7F.

City Manager Murray reported a non-substantive typo that was corrected in the report for item 7D after the posting of the agenda packet.

- A. Receive the December 12, 2020 – January 8, 2021 List of Warrants in the Amount of \$1,448,864.06, the December 25, 2020 Payroll in the Amount of \$427,235.46 and the January 8, 2021 Payroll in the Amount of \$499,831.27**

- C. Adopt a Resolution Authorizing the Filing of a Grant Application for Fiscal Year 2021-22 State Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding **[Action: Adopt Resolution per Staff Recommendation (Miller)]**
- D. Adopt a Resolution Approving a Revised Compensation and Benefits Plan for Management and Confidential Employees **[Action: Adopt Resolution per Staff Recommendation (Murray)]**
- F. Adopt a Resolution to Accept the 2019/20 Residential Slurry Seal Project as Complete and to Approve the Filing of a Notice of Completion **[Action: Adopt Resolution per Staff Recommendation (Miller)]**

**ACTION: Motion by Councilmembers Toms/Salimi to Approve Consent Calendar Items A, C, D, F**

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

**SUCCESSOR AGENCY ITEM (Item 7E Only)**

- E. Adopt a Resolution Approving the Recognized Obligation Payment Schedule for July 1, 2021 – June 30, 2022 (ROPS 21-22) for the Successor Agency in the Amount of \$6,362,692 **[Action: Adopt Resolution per Staff Recommendation (Guillory)]**

(Same Motion. Approved as Boardmembers to the Successor Agency for Item 7E Only)

**ACTION: Motion by Boardmembers Toms/Salimi to Approve Consent Calendar Item 7E**

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

The following item was pulled by Council member Murphy for further discussion.

- B. Resolution Confirming Continued Existence of Local Emergency **[Action: Adopt Resolution per Staff Recommendation (Casher)]**

City Manager Murray and City Attorney Casher provided additional information regarding this item and how it is being brought forward and updated each meeting cycle. Staff highlighted the ways that the public can make comments related to the emergency as well as the City's Covid website that contains information

**ACTION: Motion by Councilmembers Toms/Murphy to Approve Consent Calendar Item B**

**Vote:**           **Passed**           **5-0**  
                  **Ayes:**           **Martinez-Rubin, Salimi, Tave, Murphy, Toms**  
                  **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.*

NONE

## **9. OLD BUSINESS**

- A. Receive an Update on the San Pablo Avenue Bridge Replacement Over BNSF Railroad Project **[Action: Receive Report (Miller)]**

Director Miller introduced Gray Bowen Scott & Quincy Engineering consultants to provide a report providing an update regarding the BNSF Railroad Project.

The following speakers submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Residents of John Street Neighborhood: Dana and Margaret Frederic, Kevin Hawke and Robb Whitfield, John and Paula Jarvis, Joe Madigan, Kent and Ann Moriarty, Cindy Oaks, Ernie and Martie Visconti**

City Council members asked questions and made comments regarding the project related to costs, timeline, access for pedestrians, design, public engagement process, utilities involved and potential for undergrounding them. Staff responded and made note of concerns for future discussion.

## **10. NEW BUSINESS**

- A. Receive and Accept the Comprehensive Annual Financial Report (CAFR) for the Fiscal Year (FY) Ended June 30, 2020 **[Action: Receive Report (Guillory)]**

Director Guillory presented the Comprehensive Annual Financial Report along with the auditor, Ahmed Badawi of Badawi and Associates.

There were no public comments received.

Mayor Martinez-Rubin asked questions regarding the unfunded liability of the City. City Manager Murray and the consultant provided additional information regarding the City's position and approach.

Director Guillory concluded by confirming that the City will receive the honor of a Certificate of Achievement for Excellence in Financial Reporting from GFOA for the 24<sup>th</sup> consecutive year.

B. Discussion of Request to Amend the City Council Meeting Procedures to Include an Indigenous Land Acknowledgment [**Discuss and Provide Direction (Casher)**]

City Attorney Casher introduced the item, provided background information and announced the language being proposed to use as a potential land acknowledgement as part of the meeting agenda.

The following speakers submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **David Ruport, Kristen Pursley, George Pursley, Rafael Menis, Bob Moore, Janice Wall**

Council members held discussion regarding the request to amend the Council procedures to include a land acknowledgement.

**ACTION: Motion by Councilmembers Toms/Murphy to Move Forward with Implementing A Land Acknowledgement Section to the Meeting Agenda, by First Providing the Proposed Language Text to Local Native Community Representatives for Advisement**

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

## 11. REPORTS & COMMUNICATIONS

A. Mayor Report  
1. Announcements

Mayor Martinez-Rubin announced her attendance at the Mayor's Conference and highlighted topics of discussion: Blue Ribbon Recovery Task Force, transportation-related concerns due to COVID impacts and potential of reorganization of the smaller transit agencies.

Announced attendance at League of CA Cities Revenue and Tax Policy Committee; discussed proposed 2021 workplan, current rent moratorium impacts, protections for renters and small landlords, safe infrastructure and effective emergency response.

Council member Toms announced special meeting of WestCat coming up. Suggested that the City Manager provide link to the MTC meeting on the Admin. Report so that the public can participate.

CC County Climate Leaders issued its report card. Encouraged the public to review it.

Reported attendance at League of CA Cities policy committee reviewed proposed state legislation; highlighted proposed bills that would have impacts to Pinole, namely related to housing.

Attended a round table discussion and suggested Pinole use relief funds to form a task force to pursue opportunities for local small business support.

Announced Contra Costa County Health Department dashboard and provided an update with regard to the County's response to the pandemic.

Council member Tave reported on the League of CA Cities Governance Transparency and Labor Relations and highlighted the topics of discussion; housing, financial relief from the state, schools and families, vaccination efforts, pensions, Brown Act.

Council member Murphy announced CCHearth.org for updates on the pandemic. Attended drive-through food distribution event. Recognized staff for a well-run and important event. Announced membership and attendance at the League of CA Cities Environmental Quality Committee and encouraged community input before the next meeting.

Announced that he will be hosting of a monthly coffee and conversation event to discuss Pinole issues.

Mayor Pro Tem Salimi announced upcoming WCCTAC meeting.

B. Mayoral & Council Appointments

C. City Council Committee Reports & Communications

C. Council Requests For Future Agenda Items

Council member Tave requested an agenda item to discuss undergrounding of utilities. Consensus given.

Council member Tave requested an agenda item to discuss pension-related unfunded liability. Consensus given.

Council member Tave requested an agenda item to discuss the City's emergency power plan. Consensus given.

Council member Tave requested an agenda item to discuss the status of the City's fiber ring infrastructure. Consensus given.

Council member Tave requested an agenda item to discuss a community garden. Consensus given.

Council member Murphy requested an agenda item to discuss a proclamation recognizing February as Black History Month. Consensus given.

Council member Murphy requested an agenda item for a report from staff regarding potential locations for electric vehicle charging stations. Consensus given.

Mayor Martinez-Rubin requested an agenda item to discuss Pinole becoming a member of the Bay Front Chamber of Commerce. Consensus given.

Mayor Pro Tem Salimi requested an agenda item to receive a history of Pinole, specifically focused on its Native American history. Consensus given.

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

E. City Manager Report / Department Staff

City Manager Murray announced the upcoming special workshop of the City Council on January 30<sup>th</sup>. Advised the public that there are many significant reports and discussion items in upcoming meetings and that information on those will be promoted on the City's communication channels including the administrative report. Announced that the Covid-19 small business assistance plan will be kicking off soon.

F. City Attorney Report

City Attorney Casher announced that the historic preservation ordinance that has been worked on by the Municipal Code Subcommittee will be brought to the upcoming Planning Commission meeting and then subsequently to the Council for final approval.

**12. ADJOURNMENT** to the Regular City Council Meeting of February 2, 2021 In Remembrance of Amber Swartz.

Mayor Martinez-Rubin made comments honoring those who have been affected by the COVID-19 pandemic. Mayor Pro Tem Salimi honored the life of Francisco Lopez, a member of his family who passed away due to the virus.

At 10:45pm Mayor Martinez-Rubin adjourned the meeting to the Special Meeting of January 30, 2021 In Remembrance of Amber Swartz and Francisco Lopez and all others who have experienced loss due to COVID-19.

Submitted:

Heather Topu, CMC  
City Clerk

Approved by City Council: April 6, 2021

Pinole City Council  
Minutes - January 19, 2021  
Page 7

