

**CITY COUNCIL MEETING
MINUTES
May 4, 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 5:20 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,
Anthony Tave, Council Member
Devin Murphy, Council Member
Maureen Toms, Council Member

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
David Hanham, Planning Manager
Chris Wynkoop, Fire Chief
Markisha Guillory, Finance Director

City Clerk Iopu announced that the agenda was posted on April 29, 2021 at 4:00 p.m. All legally required notice was provided.

Following an inquiry to the Council, the Council reported the following conflicts.

Council member Salimi reported a conflict of interest on Item 7H and 8A due to the proximity of his residence.

Council member Tave reported a conflict of interest on 8A due to the proximity of his residence.

At 5:23 p.m. Mayor Martínez-Rubin convened the meeting to a Closed Session.

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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Gov. Code § 54957
Title: City Attorney
- B. CONFERENCE WITH LABOR NEGOTIATORS
Gov. Code § 54957.6
Agency designated representatives: City Manager Murray, Assistant City Manager De La Rosa, City Attorney Casher, Gregory Ramirez (IEDA)
Employee organizations: AFSCME, Local 1, IAFF

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

At 6:05 p.m. Mayor Martinez-Rubin reconvened the meeting to open session. 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. 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: **Debbie Long, Cordell Hindler, David Rupert, Irma Rupert, Marsha Jarvis, Sara Roberts, Roy Swearingen**

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamations
 - 1. Recognizing May 15th as Peace Officers' Memorial Day

Mayor Martínez-Rubin together with the City Council read and presented the proclamation.

The following speakers submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Debbie Long**

Council members made comments in recognition of Pinole Police Department and other local law enforcement.

Police Chief Neil Gang made comments and thanked the Council for the recognition.

- 2. 25th Annual East Bay Affordable Housing Week

Mayor Martínez-Rubin together with the City Council read and presented the Proclamation.

Natalie Bonnewit, East Bay Housing Organization representative, received the proclamation and thanked the City Council for the recognition and announced upcoming Affordable Housing Week events.

- B. Presentations / Recognitions
 - 1. Library Commissioner Report by George Pursley

Library Commissioner George Pursley provided an update on services at the Pinole Library; reopening is planned for soon after July 1st. The library still being used as a COVID-19 testing site.

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 March 2, 2021
- B. Receive the April 17, 2021 – May 1, 2021 List of Warrants in the Amount of \$294,506.75 and the April 30, 2021 Payroll in the Amount of \$405,862.06
- C. Resolution Confirming Continued Existence of Local Emergency [**Action: Adopt Resolution per Staff Recommendation (Casher)**]
- D. Approve the Purchase of Equipment for Public Works [**Action: Adopt Resolution per Staff Recommendation (Miller)**]
- E. Receive the Quarterly Investment Report for the Quarter Ending March 31, 2021 [**Action: Receive Report (Guillory)**]
- F. Receive the Fiscal Year (FY) 2020-21 Third Quarter Report on Implementation of the Strategic Plan [**Action: Receive Report (Murray)**]
- G. Receive the Fiscal Year (FY) 2020-21 Third Quarter Financial Report [**Action: Receive Report (Guillory)**]
- H. Approving a Purchase and Sale Agreement by and Between the City of Pinole and Baljit Singh Dhaliwal, Jagjeet Kaur Dhaliwal, Gurdip Ram and Akwinder Kaur for the Sale of Property Located At 600 Tennent Avenue/2279 Park Street (APN: 401-142-010) [**Action: Adopt Resolution and Approve Agreement per Staff Recommendation (De La Rosa)**]
- I. Fiscal Year (FY) 2020-21 Third Quarter Report on Implementation of Capital Improvement Plan (CIP) Projects [**Action: Receive Report (Miller)**]

ACTION: Motion by Councilmembers Toms/Murphy to Approve Consent Calendar Item 7H

Vote:	Passed	4-1
	Ayes:	Martinez-Rubin, Tave, Murphy, Toms
	Noes:	None
	Abstain:	Salimi

Absent: None

ACTION: Motion by Councilmembers Toms/Mayor Martínez-Rubin to Approve Consent Calendar Items A, B, C, D, E, F, G, and I

Council members asked questions regarding Items 7D, 7F and 7I. Staff responded to questions.

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.

- A. Ordinance Adding Chapter 17.28, Historic Preservation Overlay, to the Municipal Code and Resolution Re-Adopting Old Town Design Guidelines **[Action: Introduce and Waive First Reading of Ordinance and Adopt Resolution per Staff Recommendation (Casher)]**

City Attorney Casher and Assistant City Attorney Mog presented a report and outlined the staff recommendation.

At 7:50 p.m. Mayor Martínez-Rubin opened the public hearing.

The following speakers submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Teresa, Michael and John Stott, John Bender, Rafael Menis**

At 7:59 p.m. Mayor Martínez-Rubin closed the public hearing.

Staff responded to public comments.

City Council held discussion and raised concerns with regards to the design guidelines and potential impacts on residents in the affected areas.

ACTION: Motion by Councilmembers Toms/Mayor Martínez-Rubin to form a subcommittee of the City Council, including the 2 member design review subcommittee of the Planning Commission, and directing staff to hold publically-noticed meetings to review the proposed design guidelines before advancing the ordinance

Vote:	Passed	3-2
	Ayes:	Martinez-Rubin, Murphy, Toms
	Noes:	None

Abstain: Salimi, Tave
Absent: None

9. OLD BUSINESS

- A. Options for Fourth of July Fireworks and Other Festivities in 2021 [**Action: Discuss and Provide Direction (De La Rosa)**]

Assistant City Manager De La Rosa presented a report to the City Council.

The following speaker submitted written comment that were read aloud and will be filed with the agenda packet for this meeting: **Larry Long**

The City Council asked questions of staff and held discussion regarding options for a fireworks event. City Council discussed potential health impacts, fire concerns, costs, and benefits for the community to hold a reopening event.

ACTION: Motion by Council member Tave/Murphy to approve a 15 minute fireworks show, as proposed, in 2021

City Council members asked questions of staff. Staff responded to questions.

Vote: **Failed** **2-3**
 Ayes: **Murphy, Tave**
 Noes: **Martinez-Rubin, Salimi, Toms**
 Abstain: **None**
 Absent: **None**

ACTION: Motion by Councilmembers Toms/Salimi to table the discussion of fireworks until January 2022, with budget of \$40K appropriated in the FY 2021-2022 budget

Council members asked questions. Staff provided clarification.

Vote: **Fails** **2-3**
 Ayes: **Salimi, Toms**
 Noes: **Martínez-Rubin, Murphy, Tave**
 Abstain: **None**
 Absent: **None**

ACTION: Motion by Council member Mayor Martínez-Rubin/Salimi to table discussion of holding a July 2022 fireworks show until January 2022

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

10. NEW BUSINESS

None

11. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Martine-Rubin announced the widespread availability of the COVID-19 vaccine and encouraged the public to receive it. Announced upcoming meeting of the Finance Subcommittee.

B. Mayoral & Council Appointments

None.

C. City Council Committee Reports & Communications

Mayor Pro Tem Salimi announced recent discussion of Linked21 rail program and meeting with BART representatives.

Council member Tave thanked Pinole Police Department for their good work. Announced AB 988 passed, legislation relating to mental health emergency response.

City Council member Murphy announced two upcoming MCE meetings and encouraged the public to view and participate in them. Announced upcoming Coffee and Conversation meeting that he will host.

City Council member Toms announced attendance at first Bay Front Chamber meeting in the following week. Recognized International Firefighter's Day. Announced attendance at League of CA Cities Legislative update meeting; AB 43 is legislation of interest to Pinole relating to speed limits and traffic safety.

D. Council Requests for Future Agenda Items

Mayor Pro Tem Salimi asked about the Zoom format of City Council meetings. City Manager Murray stated that City Clerk Iopu will provide an update to Council.

Council member Tave requested a future agenda item for a presentation from EB Mud on water conservation techniques and drought information. Consensus given.

Council member Tave requested a future agenda item for a presentation from CalPERS. Consensus given.

Council member Toms requested staff follow up to respond to the public comments from Marsha Jarvis and Sara Roberts to inform them that the Planning entitlement process has already occurred with regard to Safeway. Consensus given.

Council member Murphy requested a future item to discuss celebrating Pride month by raising the Pride Flag and issuing a Proclamation. Consensus given.

Concil member Murpny requested a future agenda item for a Proclamation recognizing Juneteenth. Consensus given.

Mayor Martínez-Rubin requested a future agenda item for a presentation on history and diversity from a local youth project. Consensus given.

Mayor Martínez-Rubin requested a future agenda item to discuss defining the City's role and approach to involvement when requests are received from outside community organizations. Consensus given.

E. City Manager Report / Department Staff

City Manger Murray announced the tentative list of agenda items on the upcoming City Council meeting.

City Clerk Iopu announced that staff is working towards returning to in-person meetings as well as providing a hybrid format that would allow the public and staff to continue to participate remotely for a period of time as we transition away from pandemic health concerns. Any changes to procedures will be outlined in the agenda coversheet.

F. City Attorney Report

No report.

12. ADJOURNMENT to the Regular City Council Meeting of May 18, 2021 in Remembrance of Amber Swartz.

At 10:56 p.m. Mayor Martinez-Rubin adjourned the meeting to the Regular City Council Meeting of May 18, 2021 in Remembrance of Amber Swartz.