

**CITY COUNCIL MEETING
MINUTES
January 21, 2020**

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS

The City Council Meeting was held in 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
Vincent Salimi, Councilmember
Anthony Tave, Councilmember, arrived at 6:04 p.m.

B. STAFF PRESENT

Andrew Murray, City Manager
Hector De La Rosa, Assistant City Manager
Heather Iopu, City Clerk
Eric Casher, City Attorney
Alex Mog, Assistant City Attorney
Tamara Miller, Development Services Director/City Engineer
Chris Wynkoop, Fire Chief
Andrea Miller, Finance Director

City Clerk Iopu announced the agenda was posted on January 16, 2020 at 4:00 p.m. All legally required notice was provided.

City Clerk Iopu announced that additional materials pertaining to Item 8A and 9A on the Agenda were provided at the dais for the Council and copies were placed at the rear of the Chamber for the public.

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. PUBLIC EMPLOYMENT
Gov. Code § 54957
Title: City Manager

B. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Gov. Code § 54956.9(d)(2)
Number of Potential Cases: 1

C. CONFERENCE WITH LABOR NEGOTIATORS

Gov. Code § 54957.6

Agency designated representatives: City Manager Andrew Murray, Assistant

City Manager Hector De La Rosa

Employee organizations: PPEA & IAFF

D. CONFERENCE WITH LABOR NEGOTIATORS

Gov. Code § 54957.6

Agency designated representatives: City Manager Andrew Murray, Assistant

City Manager Hector De La Rosa, Legal Counsel Cepideh Roufougar

Employee organizations: IAFF

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

Mayor Swearingen reconvened the meeting at 7:20 p.m. There was no reportable action from the 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. 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 addressed the City Council:

Francis Adebola-Wilson, Pinole Library Branch Manager, announced upcoming events at the Pinole Library.

Debbie Long, resident of Pinole, spoke regarding the restrooms at the Wastewater Treatment plant. Expressed concerns regarding maintenance issues and asked if staff would be addressing the issues.. Also noted there are issues at the parking lot at the plant.

Rafael Menis, resident of Pinole, encouraged members of the community to check their voter registration status before the upcoming primary election in March 2020.

Devin Murphy, resident of Pinole, spoke regarding the Charter City item. Encouraged the public to support an effort to increase tourism in the city by using the hashtag, #visitPinole in social media.

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

None.

B. Presentations / Recognitions

1. Introduction of Senior Project Manager Misha Kaur & Code Enforcement Officer Justine Sidie

Tamara Miller, Development Services Director/City Engineer introduced Misha Kaur as the new Senior Project Manager. Ms. Kaur thanked the Council and staff for the opportunity to serve the City.

Planning Manager David Hanham introduced Code Enforcement Officer, Justine Sidie. Ms. Sidie expressed her thanks for the opportunity to continue to serve the City.

2. PG&E Community Wildfire Safety Program Presentation by Pamela Perdue

Presentation given by PG&E representatives Treva Reed and Pamela Perdue regarding the Community Wildfire Program and updates specific to the PSPS events. Discussed the improvements to the program and notification procedures.

Council members asked questions.

Maureen Toms, resident of Pinole, encouraged public to sign up for cwsalerts.com to get updates on PSPS events. Announced pending litigation including SB431 that addresses cell providers requirements for service during planned power outage events.

Council members asked questions of PG&E representatives. PG&E representatives responded to questions and announced methods to sign up for alerts regarding future PSPS safety information.

Council members made comments regarding the details of the presentation. PG&E representatives responded.

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.

Rafael Menis, resident of Pinole, spoke regarding Item 7C, discussed details of the report. Asked if staff has reviewed the other MOUs to ensure that other errors had not been made

Rafael Menis, resident of Pinole, spoke regarding Item 7F. Asked regarding details of the 115 Trust, made comments regarding the report.

Council members, asked questions regarding Item 7F.

Finance Director Miller responded to questions regarding details of the CAFR report.

- A. Approve The Minutes Of The Meeting Of December 17, 2019

- B. Receive the December 7, 2019 – January 17, 2020 List Of Warrants In the Amount Of \$1,438,695.62; the December 13, 2019 Payroll In The Amount Of \$520,775.04; the December 27, 2019 Payroll In the Amount Of \$407,395.58; And the January 10, 2020 Payroll In The Amount Of \$537,420.01

- C. Approve And Authorize The City Manager To Execute A Settlement Agreement Between The City Of Pinole And Fire Department Employees **[Action: Adopt Resolution per Staff Recommendation (De La Rosa)]**
- D. Adopt A Resolution To Authorize The City Manager To Execute An Amendment To The Contract With Raney Planning & Management Inc. For Environmental Review In An Amount Not To Exceed \$46,097.00 **[Action: Adopt Resolution per Staff Recommendation (T. Miller)]**

SUCCESSOR AGENCY ITEM (Item 7E Only)

- E. Adopt A Resolution Approving The Recognized Obligation Payment Schedule For July 1, 2020 – June 30, 2021 (ROPS 20-21) For The Pinole Successor Agency In The Amount Of \$3,603,904 **[Action: Adopt Resolution per Staff Recommendation (A. Miller)]**
- F. Receive And Accept The Comprehensive Annual Financial Report (CAFR) For The Fiscal Year (FY) Ended June 30, 2019 **[Action: Receive and File Report (A. Miller)]**
- G. Adopt A Resolution Authorizing The Filing Of An Application For Allocation Of Fiscal Year 20-21 Transportation Act Article 3 Pedestrian/ Bicycle Project Funding **[Adopt Resolution per Staff Recommendation (T. Miller)]**

ACTION: Motion by Council Members Martinez-Rubin/Tave to approve Consent Calendar Items A-D, F and G.

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

ACTION: Motion by Board Members Martinez-Rubin/Tave to approve Successor Agency Consent Calendar Item 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. Ordinance Amending The Pinole Zoning Code To Change The Approval Authority For Design Review Of Single Family Homes. **[Action: Conduct Public Hearing and Approve First Reading of Ordinance (Casher)]**

City Attorney Casher introduced the item. Assistant City Attorney Mog presented staff report highlighting the details of the report.

At 8:49 Mayor Swearingen opened the Public Hearing. The following speakers addressed the City Council:

Rafael Menis, resident of Pinole, spoke in opposition of the item. Expressed concern regarding the associated fees and burden on staff and the public.

Debbie Long, resident of Pinole, spoke in favor of the ordinance. Encouraged the Council to adopt the ordinance in order to ensure that the public has the opportunity to participate in the review process.

Council members asked questions of staff regarding the history of the item and the fees associated with it.

Council members held discussion regarding possible options for the design review and approval structure.

ACTION: Motion by Council Members Murray/Martinez-Rubin To Introduce and Waive First Reading of An Ordinance Amending The Pinole Zoning Code To Change The Approval Authority For Design Review Of Single Family Homes from the Zoning Administrator to a Subcommittee of the Planning Commission

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

9. OLD BUSINESS

- A Provide Direction On Initial Draft Charter And Process For Public Outreach [**Action: Discuss and Provide Direction (Mog)**]

Assistant City Attorney Mog introduced the item and highlighted details of the staff report.

Rafael Menis, spoke regarding listed potential powers that could be listed in a charter. Expressed concern that the powers listed could be more broad than intended.

Devin Murphy, spoke regarding community engagement throughout the process of developing the Charter. Encouraged the City to start early in taking action on educating the public and the importance of digital outreach.

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

Discussion held by Council members on the potential implications, risks and benefits of becoming a Charter City.

The Council gave consensus to set a special meeting to discuss the issue within the next month.

ACTION: Motion by Council Members Murray/Tave to extend the meeting to 11:15 p.m.

Ayes:	Swearingen, Martinez-Rubin, Murray, Salimi, Tave
Noes:	None
Abstain:	None
Absent:	None

10. NEW BUSINESS

- A. Review, Discuss, And Provide Direction To Staff On Awarding Grants Related To The Farmers' Market To Local Pinole Non-Profit Organizations **[Action: Discuss and provide direction (De La Rosa)]**

Assistant City Manager De La Rosa introduced the item and provided background information.

Council held discussion and gave direction to extend the deadline for the application period and extend an invitation to known youth groups in Pinole to apply.

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
1. Announcements

Mayor Swearingen announced the Mayor's Conference in Pinole. Reviewed the topics of the meeting; regional transportation and housing issues.

- B. Mayoral & Council Appointments

None

- C. City Council Committee Reports & Communications

Norma Martinez-Rubin announced her attendance at the January WestCat meeting. Introduced City Clerk Iopu who presented an update on local Census 2020 information.

Councilmember Murray attended WCCIMA meeting and announced new Executive Director, Peter Holtzclaw. Reported discussion on recycling service and budget adjustments.

- D. Council Requests For Future Agenda Items

Council member Tave asked for an update on the fire study. Staff reported it will be coming back at an upcoming meeting.

Council member Tave asked for a future agenda item to discuss minimum wage. No consensus given.

E. City Manager Report / Department Staff

City Manager Murray announced the special City Council meeting for a workshop on the Strategic Plan on January 25, 2020 at 9:00 a.m. at the Pinole Youth Center.

F. City Attorney Report


City attorney reported that the smoking ordinance related to tobacco products adopted last year is now in full effect.

Mayor Swearingen announced the passing of Randy Eikenbary, a former Pinole Police Officer and made comments honoring his life and service to Pinole.

12. ADJOURNMENT to the Special City Council Meeting of January 25, 2020 In Remembrance of Amber Swartz and Randy Eikenbary, and overseas military.

At 11:22 p.m., Mayor adjourned to the Special City Council Meeting of January 25, 2020 In Remembrance of Amber Swartz

Submitted by:


Heather Iopu, CMC
City Clerk

Approved by City Council: February 4, 2020

