

CITY COUNCIL MEETING
MINUTES
November 19, 2019

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 Murray called the Regular Meeting of the City Council to order 6:01 p.m. and led the Pledge of Allegiance.

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

A. COUNCILMEMBERS PRESENT

Peter Murray, Mayor
Roy Swearingen, Mayor Pro Tem
Norma Martinez-Rubin, Councilmember
Vincent Salimi, Councilmember
Anthony Tave, Councilmember

B. STAFF PRESENT

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
Scott Kouns, Fire Chief
Andrea Miller, Finance Director

City Clerk Iopu announced the agenda was posted on November 14, 2019 at 4:00 p.m. All legally required notice was provided.

City Clerk Iopu announced that additional materials pertaining to Items 6B1, 6B2, and 10A 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.

None.

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. 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:

Rafael Menis, resident of Pinole, spoke regarding the Ring App, asked if Pinole has an agreement with them.

Tammy Campbell, resident of Pinole, announced that she is seeking volunteers for the engineering program at high school she is involved with and will report back regularly to the Council regarding her work there.

Theresa Teller, spoke regarding a mental health awareness bill. Spoke regarding activism in her own life and discussed her presentation regarding stigmas related to mental health.

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Pinole Valley High School Girls Volleyball Team

Mayor Murray presented the Proclamation to the Pinole Valley High School Girls Volleyball Team. Council members made comments honoring the team coaches and principal.

B. Presentations / Recognitions

1. Contra Costa County Elections Department - Update on March Primary Election by Assistant Registrar of Voters, Scott Konopsek

Presentation made by Scott Konopasek who spoke regarding the March Election, update to vote by mail campaign, and installation of new permanent ballot box at Pinole City Hall.

2. Planning/Building Update by Development Services Director/City Engineer Tamara Miller

Tamara Miller gave report on the Building and Planning Division activities.

3. New Employee Introductions - New Permit Technicians, Brandy Fernandez-Reyes and Jaime Aldred

Tamara Miller introduced new Permit Technicians, Brandy Fernandez-Reyes and Jaime Aldred. Council members welcomed the new staff to Pinole.

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 Meetings of November 6 and November 8, 2019
- B. Receive the November 2, 2019 – November 15, 2019 List of Warrants in the Amount of \$539,707.24 and the November 15, 2019 Payroll in the Amount of \$434,350.74
- C. Receive the Quarterly Investment Report for the Quarter Ending September 30, 2019 [Action: Receive and File Report (A. Miller)]
- G. Resolution Confirming Denial of Permits for a Project Proposing a Personal Storage Facility at 890 San Pablo Avenue [Action: Adopt Resolution per Staff Direction (T. Miller)]

ACTION: Motion by Councilmembers Martinez-Rubin/Tave to approve Consent Calendar Items A, B, C and G.

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

The following items were pulled for further discussion:

- D. Approve a Three Year Contract with Precision IT Consulting for Administration of the City's Information Technology System in an Amount not to Exceed \$522,000 and Appropriate \$9,000 from the General Fund Fund Balance [Action: Adopt Resolution per Staff Recommendation (De La Rosa)]

The following speaker addressed the City Council:

Irma Ruport, resident of Pinole, spoke regarding the contract, made comments about City's use of consultants rather than employees for IT work. Suggested the Council approve a shorter term contract.

Council members asked questions regarding details of the report. Assistant City Manager De La Rosa presented staff report.

Precision representatives and staff responded to questions.

ACTION: Motion by Councilmembers Swearingen/Martinez Ruben to approve Consent Calendar Items D.

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

- E. Ordinance Adding Chapter 10.78 to the Pinole Municipal Code Restricting Oversized Vehicle Parking on City Streets [Action: Adopt Ordinance on Second Reading (Casher)]

The following speaker addressed the City Council:

Phil Malgren, resident of Pinole, spoke in opposition to the item, asked questions regarding the details of the proposed ordinance.

Mayor Murray and City Attorney Casher responded to questions of public speaker.

ACTION: Motion by Councilmembers Swearingen/Salimi to approve Consent Calendar Item E.

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

- F. Resolution Authorizing the City Manager to Execute a Contract with Avery and Associates in an Amount Not to Exceed \$22,900 for Professional Recruitment Services for the Battalion Chief Position [Action: Adopt Resolution per Staff Recommendation (Fitzer)]

The following speaker addressed the City Council:

Irma Ruport, Spoke in support of the item. Asked why we don't do internal promotions instead of using consultants for outside recruitment.

Council members responded to the questions.

ACTION: Motion by Councilmembers Martinez-Rubin/Swearingen to approve Consent Calendar Item F.

Vote:	Passed	5-0
	Ayes:	Murray, Swearingen, Tave, Martinez-Rubin, Salimi
	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. Resolution Adopting A Revised Fire Prevention Fee Schedule for Permits,

Plan-Checking and Other Services and Amending the Fire Department Master Fee Schedule [Action: **Adopt Resolution per Staff Recommendation (Kouns)**] (Item Continued to the December 17, 2019 meeting)

9. OLD BUSINESS

- A. Receive And Review A Report From HdL Econsolutions On The City's Market Analytics, Void Analysis And Community Profile Reports [Action: **Discuss and Provide Direction (De La Rosa)**]

Assistant De La Rosa introduced Barry Foster of HdL Econsolutions who presented information and highlighted the report. Discussed the remaining work to be completed under their contract.

Council members asked questions of HdL representative.

Staff and HdL representative responded to questions.

The following speakers addressed the City Council:

Rafael Menis, resident of Pinole, asked questions regarding the details of the report and asked for clarification of data.

City Manager De La Rosa and HdL representative responded to questions.

Alexander Jason, resident of Pinole, stated that what Pinole needs is a 24-hour urgent care facility.

Mayor Murray made comments in response to the public comment. Council held discussion.

ACTION: Motion by Councilmembers Tave/Martinez-Rubin to move forward with Step 5 of the HdL Contract for outreach services

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

- B. Receive the FY 2019-20 First Quarter Financial Report and Adopt A Resolution Approving Budget Adjustments [Action: **Approve Resolution per Staff Recommendation (A. Miller)**]

Finance Director Miller presented report.

Council members asked questions. Staff responded to questions.

ACTION: Motion by Councilmembers Swearingen/Salimi to Receive the FY 2019-20 First Quarter Financial Report and Adopt A Resolution Approving Budget Adjustments

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

Abstain: None
Absent: None

10. NEW BUSINESS

A. Overview and Discussion of Sanctuary Cities and SB 54 “The California Values Act” [Action: Discuss and Provide Direction (Casher)]

City Attorney Casher introduced the item and presented staff report.

Council members asked questions of City staff.

Discussion by Council members.

The following speakers addressed the City Council:

Grecya Vidal Zavala, resident of Pinole, made comments in support of Sanctuary Cities, provided facts regarding undocumented people and crimes. Gave details of personal experience and the people who are affected by these policies.

David Rupert, resident of Pinole, spoke in support of SB54 and Sanctuary Cities, spoke regarding the misinformation that is out there on the issue, gave details of history of federal executive orders concerning the topic.

Rafael Menis, resident of Pinole, spoke regarding details of the staff report, made comments regarding the legal background, provided perspective on the current letter of law on the issue, and cited constitutional questions regarding the federal powers vs. state powers.

Debbie Long, resident of Pinole, spoke in opposition and stated that public safety is diminished by Sanctuary City. Stated that Sanctuary cities shield criminal activities.

Ricardo Valzco, resident of Pinole, stated that he is present at the meeting to educate himself. Asked whether or not crimes are reported under SB54 and Sanctuary City.

Bob Kopp, resident of Pinole, spoke in opposition of becoming a Sanctuary City. Stated that Council should focus on other issues.

Alexander Jason, Spoke in opposition to SB 54.

Stephanie Hernandez-Jarvis, resident of Pinole, spoke in favor of Sanctuary City and SB 54. Spoke regarding the importance for a City to stand up for its values.

Benjamin Jarvis, resident of Pinole, spoke in support of SB54 and Sanctuary Cities. Spoke regarding the urgency and importance of supporting immigrant communities. Spoke regarding his own experience.

Richard Cassel, resident of Pinole, spoke regarding immigration issues and stated that there are costs and crimes associated with illegal immigration.

Tammy Campbell, resident of Pinole, stated that there is fear at the center of the debate. Spoke in favor of inclusivity.

Irma Ruport, resident of Pinole spoke regarding her personal experience and the effects of discrimination. Spoke in favor of discussion on the issue.

Joel Gannoti, resident of Pinole, made statements regarding immigration issues and politicians.

Bill Journey, resident of Pinole, spoke in opposition of the issue. Provided legal perspective.

Council members held discussion. No action taken.

Mayor Murray called a recess at 9:58 p.m.

Mayor Murray reconvened the meeting at 10:07 p.m.

- B. Approval of Findings to Support Local Modifications to the 2019 California Green Code, Building Code, Fire Code and Related Construction Codes; Introduction of and Ordinance to Adopt, with Local Modifications, the 2019 California Building Standards Code [Action: Adopt Resolution and Introduce Ordinance per staff Recommendation (T. Miller)]

Development Services Director/City Engineer Miller presented staff report.

Council members asked questions. Staff responded to questions.

ACTION: Motion by Councilmembers Tave/Swearingen to Approve the Findings to Support Local Modifications to the 2019 California Green Code, Building Code, Fire Code and Related Construction Codes, Introduce Ordinance to Adopt, with Local Modifications, the 2019 California Building Standards Code

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

11. REPORTS & COMMUNICATIONS

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

Mayor Murray announced that Recycle More selected its Executive Director, Peter Holtzclaw. Announced presentation by BART at the Mayor's Conference. Announced upcoming Pinole events: Crab Feed on January 11th and Christmas Tree Lighting on December 7th.

- B. Mayoral & Council Appointments
- B. City Council Committee Reports & Communications

Council member Tave announced attendance at the last School Board Meeting. Expressed concerns regarding the budget deficit.

Mayor Murray provided details of the November West County Mayors/Supervisors meeting at which a presentation by the School District was given to explain their plan to address the budget deficit.

Mayor Pro Tem Swearingen reported his attendance at the Pinole Veteran's Day event and gave credit to Jeff Rubin for running a successful event.

Council member Martinez-Rubin announced that she has been appointed to a Revenue and Taxation Policy Committee for the CA League of Cities, East Bay Division. She will serve at meetings four times each year and will report back to the Council with relevant information.

Council member Salimi congratulated Mayor Murray on his 50th wedding anniversary. Council member Salimi will be meeting with MCE in the coming week. Announced that there will be no PSPS event this week.

Council member Tave announced that he had been appointed to CA League of Cities Governance, Transparency and Labor Relations Board.

D. Council Requests For Future Agenda Items

Council member Tave requested an agenda item to discuss a plan to review vacant lots in Pinole. No consensus given.

Council member Salimi requested an agenda item to discuss opening a bank. Consensus given.

Mayor Pro Tem requested an agenda item to discuss rental property regulations. Consensus given.

E. City Manager Report / Department Staff

Assistant City Manager De La Rosa announced the City Treasurer Application deadline, November 21st.

F. City Attorney Report

None.

12. ADJOURNMENT to the Regular City Council Meeting of December 3, 2019 in Remembrance of Amber Swartz.

At 11:28 p.m., Mayor Murray adjourned the meeting to the Regular City Council Meeting of December 3, 2019 In Remembrance of Amber Swartz.

Submitted by:


Heather Iopu, CMC
City Clerk



Approved by City Council: December 3, 2019