

**CITY COUNCIL MEETING
MINUTES
December 3, 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
Scott Kouns, Fire Chief
Andrea Miller, Finance Director

City Clerk Iopu announced the agenda was posted on November 27, 2019 at 4:00 p.m. All legally required notice was provided.

City Clerk Iopu announced that additional materials pertaining to Item 6B2 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.

No closed session.

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

No 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:

Ann Moriarty, resident of Pinole, spoke in response to the immigration issues discussed at the last Council meeting. Spoke in favor of SB54 and Sanctuary Cities. Encouraged the Council to take action.

Ivette Ricco, resident of Pinole, spoke regarding the last meeting and HdL presentation. Stated the importance of small businesses in Old Town Pinole and made comments regarding the details of the report.

Rafael Menis, resident of Pinole, spoke in opposition of the Making Waves Charter school application, and stated that an opposing group in the community is collecting petition signatures. Spoke regarding dredging of Pinole Ridge to allow for heavier traffic and encouraged the City to be part of that process.

Jack Meehan, resident of Pinole, spoke regarding traffic lights on Pinole Valley Road. Stated concerns regarding public safety and encouraged the City to give this attention. Spoke regarding PG&E planned power outages.

Tammy Campbell, resident of Pinole, submitted letter for the record and discussed the WCCUSD losses due to the opening of Making Waves Charter School. Spoke in opposition of the application.

Jeff Rubin, announced the Tree Lighting on Saturday, December 7th and holiday festival. Stated that Pinole History Museum is a sponsor. Gave details of the event and encouraged the community to come.

Bob Kopp, resident of Pinole, spoke regarding the Pinole Valley Road traffic safety concerns that were voiced earlier in Citizens to be Heard by Jack Meehan. Gave details of how the traffic lights operate.

Mayor Murray announced details the Pinole Tree Lighting event on Saturday, December 7th.

Mayor Murray thanked the Pinole Ace Hardware in Pinole for its donation of holiday flowers for the Council Chambers.

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Proclamation in Recognition of City Manager, Michelle Fitzer

Mayor Murray presented the proclamation to Michelle Fitzer in the event of her retirement from the City of Pinole.

Michelle Fitzer made comments. Council members made comments thanking Mrs. Fitzer for her service.

B. Presentations / Recognitions

1. Introduction of New Planning Manager David Hanham by Development Services Director/City Engineer Tamara Miller

Development Services Director/City Engineer Tamara Miller introduced the New Planning Manager, David Hanham.

2. Administration & Recreation Department Updates by Assistant City Manager De La Rosa and Finance Director Andrea Miller

Assistant City Manager De La Rosa presented a report providing updates to the Council on the Administration and Recreation Departments.

Finance Director Miller presented an overview of the Finance Department, reviewed the functions of the department and provided some details of the major areas of work.

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

The following speaker addressed the City Council:

Jack Meehan, resident of Pinole, spoke regarding staff's references to "Pinole Shores" during the report. Wanted to clarify that it should be called "Pinole Shores Business Park" in the future.

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.

City Clerk Iopu asked that the Minutes from November 5 be removed from consideration of Item 7A and advised that they would be resubmitted for approval at the December 17 meeting.

- A. Approve the Minutes of the Meetings of ~~November 5~~ and November 19, 2019
- B. Receive the November 16, 2019 – November 29, 2019 List of Warrants in the Amount of \$562,975.48 and the November 29, 2019 Payroll in the Amount of \$409,049.70

ACTION: Motion by Councilmembers Martinez-Rubin/Swearingen to approve Consent Calendar Items 7A and 7B.

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

8. COUNCIL REORGANIZATION

A. Presentations to Mayor Murray

Mayor Pro Tem Swearingen made comments to Mayor Murray and presented him with a gift from the City.

B. Council Comments to Outgoing Mayor

Mayor Murray made comments regarding his term as Mayor. Spoke regarding different roles he has had on various committees, thanked his family and made closing comments.

Council members made comments to the Mayor Murray thanking him and recognizing his service while serving as Mayor.

C. Reorganization of the City Council In Accordance with Council Resolution 2010-87 and Appointment of Mayor and Mayor Pro Tem [Action: Council Discretion to Nominate Officers and Adopt A Resolution of Appointment (H. Iopu)]

ACTION: Motion by Councilmembers Murray/Salimi to Adopt a Resolution Approving the Reorganization of the City Council

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

D. Administer Oath to Mayor and Mayor Pro Tem by City Clerk

Honorable Judge Benjamin Reyes issued the Oath of Office to the incoming Mayor Roy Swearingen and the incoming Mayor Pro Tem, Norma Martinez-Rubin.

E. Transfer of the Gavel & Comments by the New Mayor

Mayor Swearingen made comments regarding his vision for the City of Pinole.

FIFTEEN MINUTE RECESS – RECEPTION IN CITY HALL FOYER

Mayor Swearingen called a recess of the Council at 7:58 p.m.

Mayor Swearingen called the meeting to order at 8:32 p.m.

9. 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. Public Hearing And Second Reading Of An Ordinance To Adopt, With Local Modifications, The 2019 California Green Code, Building Code, Fire Code and Related Construction Codes Code [Action: Conduct Public Hearing and Approve Ordinance per Staff Recommendation (T. Miller)]

Mayor Swearingen introduced the item.

At 8:33, Mayor Swearingen opened and closed the Public Hearing.

There were no speakers.

ACTION: Motion by Councilmembers Salimi/Tave To Approve Ordinance To Adopt With Local Modifications, The 2019 California Green Code, Building Code, Fire Code and Related Construction Codes Code

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

10. OLD BUSINESS

- A. Receive A Report On The Fire Ballot Polling Results [Action: Receive and File Report (Fitzer)]

Emily Goodman, Senior Vice President of EMC Research presented a report to the City Council.

Council members asked questions. Ms. Goodman responded to questions.

The following speaker addressed the City Council:

Rafael Menis, resident of Pinole, asked questions regarding the details of the report.

Ms. Goodman responded to the public questions.

Council members made comments and requested additional information.

11. NEW BUSINESS

- A. Approve And Authorize The Mayor To Execute The Employment Agreement For Andrew Murray To Become The City Manager [Adopt Resolution per Staff Recommendation (Fitzer)]

City Manager Fitzer introduced the item.

Andrew Murray introduced himself and made comments thanking the Council for the opportunity.

Mayor Swearingen made comments welcoming Mr. Murray to the City.

ACTION: Motion by Councilmembers Tave/Murray To Approve And Authorize The Mayor To Execute The Employment Agreement For Andrew Murray To Become The City Manager

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

- B. Review, Discuss And Appoint To The 2020 Council Committee Assignments List
 [Action: Discuss and Provide Direction (Iopu)]

Mayor Swearingen introduced the item and led discussion of assignments. Council members gave its consensus on proposed changes and the item will come back for approval at the next Council meeting.

12. REPORTS & COMMUNICATIONS

- A. Mayor Report
 1. Announcements

Mayor Swearingen announced that he will attend WCCTAC meeting in a couple of weeks.

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

Council member Tave reported being contacted by the San Jose Mayor regarding a committee to address the PG&E planned power outages. Announced that Bill Whitney invited the Council to look at Trade School training centers in Martinez.

Mayor Pro Tem Martinez-Rubin announced "Stuff-A-Bus" holiday donation drive hosted by WestCAT. Announced the Pinole Police Department's "Shop With A Cop" event on December 5th.

Council member Salimi announced his work with MCE and desire to get Council input on upcoming issues.

Council member Murray announced details of the Pinole Tree lighting on Saturday, December 7th. Reported details of discussion he held with the County Superintendent of schools regarding the budget deficit.

- D. Council Requests For Future Agenda Items

Council member Tave requested a future agenda item to discuss letter received by the San Jose Mayor regarding a strategy to address PG&E issues. No consensus given.

- E. City Manager Report / Department Staff

No report.

F. City Attorney Report

No report.

13. ADJOURNMENT to the Regular City Council Meeting of December 17, 2019 In Remembrance of Amber Swartz.

At 9:50 p.m. Mayor Swearingen adjourned to the Regular City Council Meeting of December 17, 2019 In Remembrance of Amber Swartz.

Submitted by:



Heather Iopu, CMC
City Clerk

Approved by City Council: December 17, 2019

