

**CITY COUNCIL MEETING  
MINUTES  
December 17, 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 6:00 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

**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  
Chris Wynkoop, Fire Battalion Chief  
Andrea Miller, Finance Director

City Clerk Iopu announced the agenda was posted on December 10, 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. City Clerk Iopu announced that Item 7G staff report is a duplicate of Item 7F and can be disregarded.

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. CONFERENCE WITH LABOR NEGOTIATORS**

Gov. Code § 54957.6

Agency designated representatives: Assistant Manager De La Rosa, Chief

Negotiators Bruce Heid and Gregory Ramirez

Employee organizations: Jim Bickert (PPEA) and Larry Menth (IAFF)

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

Mayor Swearingen reconvened the meeting at 7:01 and announced that there was no reportable action from 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, stated that Making Waves withdrew its application to the City to open a charter school. Thanked those who participated in the group that worked towards that outcome. Spoke regarding national politics.

**Maureen Toms**, resident of Pinole, stated that she made public comments at the County Office of Education meeting and Making Waves board meeting in opposition to thier charter school application. Encouraged staff to work with owners of the former Doctor's hospital site to make improvements to the property.

**Irma Ruport**, resident of Pinole, spoke regarding the Fire Report that was presented at the previous Council meeting and asked that the community be able to see the report ahead of the meeting the next time it is discussed. Made comments recognizing City Manager Michelle Fitzer in her retirement.

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

##### **A. Proclamations**

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

##### **1. Introduction of New Fire Chief Chris Wynkoop**

Fire Chief Kouns introduced new Fire Chief Chris Wynkoop. Chief Wynkoop made comments. Mayor Swearingen welcomed the new Chief.

##### **2. East Bay Municipal Utility District (EBMUD) Presentation by Board Trustee Lesa McIntosh**

Ben Glickstein, Community Affairs Representative made introductory comments and presented an overview of the services provided by EBMUD.

EBMUD staff gave a presentation highlighting the projects that EBMUD is working on and provided information on P66 Refinery Project.

**Rafael Menis**, resident of Pinole, asked EBMUD staff regarding details of their report.

EBMUD staff and Tamara Miller, Director of Development Services and City Engineer, responded to public questions.

Council members asked questions. EBMUD representatives responded to questions.

Tamara Miller responded to questions from Council members.

Discussion by Council members regarding the local effluent and its potential legal uses.

Discussion by Council members regarding the benefit of getting involved in a project with EBMUD.

## **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 addressed the City Council:

**Rafael Menis**, resident of Pinole, asked questions regarding details of the staff report for Item 7D.

Staff responded to questions.

- A. Approve the Minutes of the Meeting of November 5 and December 3, 2019
- B. Receive the November 30, 2019 – December 6, 2019 List of Warrants in the Amount of \$142,157.85.
- C. Approve the 2020 Council Committee Assignment List [**Action: Adopt Resolution per Staff Recommendation (Iopu)**]
- D. Update On The Pinole Seals Operation Of The Pinole Swim Center For The 2019 Season [**Action: Receive and File Report (De La Rosa)**]
- E. Adopt Cost Allocation Plan [**Action: Adopt Resolution per Staff Recommendation (A. Miller)**]
- F. Approving The Pinole Salary Schedule For All Represented And Unrepresented Employee Classifications In Conformance With California Code Of Regulations, Title 2, Section 570.5 [**Action: Adopt Resolution per Staff Recommendation (De La Rosa)**]

**ACTION: Motion by Councilmembers Murray/Martinez-Rubin to approve Consent Calendar Items 7A through 7F.**

**Vote:            Passed            5-0**  
**Ayes:               Swearingen, Martinez-Rubin, Murray, Salimi, Tave**  
**Noes:                None**  
**Abstain:            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: Conduct Public Hearing and Adopt Ordinance per Staff Recommendation (Kouns)]**

**ACTION: Motion by Councilmembers Martinez-Rubin/Tave Adopting A Revised Fire Prevention Fee Schedule For Permits, Plan-Checking, And Other Services, And Amending The Fire Department Master Fee Schedule**

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

Fire Chief Kouns introduced the item and provided background information.

Mayor Swearingen opened and closed the public hearing at 8:14 p.m.

There were no public speakers.

Council members asked questions.

Representative from Michael Baker, consultant on the project, answered questions from Council members..

**9. OLD BUSINESS**

- A. Appointment Of City Treasurer To Fill The Term Expiring In December 2020  
**[Action: Adopt Resolution per Staff Recommendation (Iopu)]**

City Clerk Iopu introduced the item and highlighted details of the staff report to provide the Council with background information.

**ACTION: Motion by Councilmembers Murray/Martinez-Rubin to Approve Resolution Appointing Debbie Long as City Treasurer**

**Vote:            Passed            4-0**  
**Ayes:                Swearingen, Martinez-Rubin, Murray, Salimi**  
**Noes:                 None**  
**Abstain:              Tave**

City Clerk Iopu issued the Oath of Office to Debbie Long as City Treasurer.

- B.      Receive An Update On 2020 Garbage Collection Rates [Action: Receive and File Report (T. Miller)]

City Engineer Tamara Miller introduced the item.

Council members asked questions. Staff responded to questions.

- C.      Rescinding Resolution No. 2019-104 And Approving 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 Appropriating \$9,000 From The General Fund Fund Balance For FY 2019/20 [Action: Adopt Resolution per Staff Recommendation (De La Rosa)]

Assistant Manager De La Rosa introduced the item and clarified details of the report.

Council members made comments.

**ACTION: Motion by Councilmembers Tave/Murray Rescinding Resolution No. 2019-104 And Approving 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 Appropriating \$9,000 From The General Fund Fund Balance For FY 2019/20**

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

Assistant Manager De La Rosa introduced the item and clarified details of the report.

Council members made comments.

**10.      NEW BUSINESS**

**11.      REPORTS & COMMUNICATIONS**

- A.      Mayor Report  
1.      Announcements

Mayor Swearingen reported attending the Mayor's Conference with Mayor Pro Tem Martinez-Rubin. Topic of discussion was emergency shelters and moving towards securing more of them in the County.

B. Mayoral & Council Appointments

None.

C. City Council Committee Reports & Communications

Mayor Pro Tem Martinez-Rubin announced that it is time for business license renewals, that there are mailings that are coming out asking for Fictitious Business Name, Announced Census information

Council member Tave summarized the accomplishments that the City has had in the past year.

Council member Murray announced successful Holiday Fair event at the Pinole Senior Center.

Mayor Swearingen announced the upcoming Mayor's Conference being hosted by Pinole on January 9<sup>th</sup>, 2020 and the Pinole Crab Feed on January 11<sup>th</sup>, 2020.

Mayor also announced the January 25<sup>th</sup>, 2020 Strategic Planning Session.

Council members thanked one another for the year's work and wished Happy Holidays to the community.

D. Council Requests For Future Agenda Items

None.

E. City Manager Report / Department Staff

No Report.

F. City Attorney Report

No Report.

**12. ADJOURNMENT** to the Regular City Council Meeting of January 21, 2020 In Remembrance of Amber Swartz.

At 9:07 p.m., to the Regular City Council Meeting of January 21, 2020 In Remembrance of Amber Swartz

Submitted by:

Heather Iopu, CMC  
City Clerk

Approved by City Council: January 21, 2020

