

CITY COUNCIL MEETING
MINUTES
October 6, 2020

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 Swearingen called the Regular Meeting of the City Council to order **6:03** 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

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
Neil Gang, Police Chief
Chris Wynkoop, Fire Chief

City Clerk Iopu announced the agenda was posted on October 1, 2020 at 4:00 p.m. All legally required notice was provided.

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 EMPLOYEE PERFORMANCE EVALUATION

Gov. Code § 54957

Title: City Manager

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

At 7:02 p.m. Mayor Swearingen reconvened the meeting to open session. There was no reportable action.

Mayor Swearingen made a report providing information regarding local health order updates relating to the COVID-19 pandemic.

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 submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **David Ruport, Debbie Long, Irma Ruport, Ivette Ricco, Jeff Rubin, Mary Horton, Rafael Menis, Sarah Flashman, Tim Banuelos**

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Recognizing October 4 - 10, 2020 as Fire Prevention Week

Mayor Swearingen presented the Proclamation to Fire Chief Chris Wynkoop. Chief Wynkoop thanked the Mayor and the Council.

B. Presentations / Recognitions

1. November 3, 2020 General Election Information by Scott Konopasek, Contra Costa County Assistant Registrar of Voters

Contra Costa County Assistant Registrar of Voters Scott Konopasek made a presentation highlighting updates to the election process for the 2020 General Municipal Election.

Council members asked questions. Mr. Konopasek responded to the questions.

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 July 21, 2020
- B. Receive the September 12, 2020 – October 2, 2020 List of Warrants in the Amount of \$761,589.82 and the October 2, 2020 Payroll in the Amount of \$425,363.10
- C. Resolution Confirming Continued Local Emergency [**Action: Adopt Resolution per Staff Recommendation (Casher)**]
- F. Adopt A Resolution Approving A Third Amendment To The Exclusive Negotiating Agreement Between The City Of Pinole And General Realty CE, LLC For The Sale And Purchase Of The Pinole Shores II Properties [**Action: Adopt Resolution per Staff Recommendation (De La Rosa)**]

- G. Amendment To Chapter 15.54 Water Efficient Landscape Ordinance (WELO) Of The Pinole Municipal Code [**Action: Adopt Ordinance on Second Reading (Hanham)**]
- H. Adopt A Resolution Approving The Submittal Of Application(s) For The State Of California Department Of Parks And Recreation Per Capita Grant Funds [**Action: Adopt Resolution per Staff Recommendation (Miller)**]
- I. 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)**]
- J. Receive The 2019 Annual General Plan Housing Element Progress Report As Required By The State Of California [**Action: Receive and file report (Hanham)**]
- K. Adopt A Resolution Approving Side Letter Agreements To The Memorandums Of Understanding (MOUs) Between The City And Local 1, And The City And AFSCME Local 512 To Amend Article II – Recognition Of Each Agreement [**Action: Adopt Resolution per Staff Recommendation (De La Rosa)**]

ACTION: Motion by Councilmembers Martinez-Rubin/Tave to Approve Consent Calendar Items A, B, C, F, G, H, I, J, K.

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

Agenda Item 7D was pulled from the Consent Calendar for further discussion by Council member Murray.

- D. Adopt A Resolution Approving Fiscal Year (FY) 2019-20 Budget Adjustments [**Action: Adopt Resolution per Staff Recommendation (Murray)**]

Council member Murray asked that staff address the differences in revenue collection for the two Measure S Funds detailed in the report.

ACTION: Motion by Councilmembers Murray/Tave to Adopt A Resolution Approving Fiscal Year (FY) 2019-20 Budget Adjustments and Directing Staff to Report to the Finance Subcommittee and City Council Regarding the Differences in Revenue Collection of Both of the Measure S Funds

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

Agenda Item 7E was pulled from the Consent Calendar for further discussion by Council member Tave.

- E. Approving The Transfer of \$684,252 from the Pension Section 115 Trust Fund for Fiscal Year (FY) 2019/20 [Action: Adopt Resolution per Staff Recommendation (Murray)]

Council member Tave asked questions regarding the timing of the transfer and other details for the report. Staff addressed the questions.

ACTION: Motion by Councilmembers Tave/Murray to Adopt Resolution Approving The Transfer of \$684,252 from the Pension Section 115 Trust Fund for Fiscal Year (FY) 2019/20

Vote: **Passed** **5-0**
 Ayes: **Swearingen, Murray, Martinez-Rubin, 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.

9. OLD BUSINESS

- A. Updated Financial and Investment Policies [Action: Adopt Resolution per Staff Recommendation (Murray)]

City Manager Murray presented a report to the Council highlighting the changes to the Financial and Investment Policies.

The following speaker submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Rafael Menis**

City Manager Murray and City Attorney Casher responded to the public comment.

The City Council held discussion and asked questions of staff. Staff responded to questions.

ACTION: Motion by Councilmembers Martinez-Rubin/Tave to Adopt a Resolution Approving the Updated Financial and Investment Policies

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

10. NEW BUSINESS

- A. Receive The Five-Year Forecast For The General Fund And Measure S Funds Fiscal Year (FY) 2020/21 Through FY 2024/25 [Action: Receive and File Report (Murray)]

Finance consultant Genie Rocha presented a report to the Council highlighting details of the report.

The City Council made comments and asked questions of staff. Staff provided clarification to the Council in response to their questions.

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements

Mayor Swearingen announced an update regarding the San Pablo Avenue Bridge project and dedication of the David Patrick Underwood Basketball Court at Fernandez Park in Pinole,

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

Mayor Por Tem Martinez-Rubin provided the latest Census response rate for Pinole and announced the last few weeks of the 2020 Census effort. Announced COVID-19 resource websites for statistics on current case and testing information.

Council member Tave recognized the Council, especially Council member Pete Murray, staff and other organizers of the David Patrick Underwood event.

Council member Tave announced a community event coming up to discuss public safety and encouraged the Council and public to attend. Announced that he is interested in visiting the County Elections Department to view the ballot counting process. Provided a brief update on the Faria House Ad Hoc Committee progress.

City Manager Murray provided some additional details on the work being done and stated there will be an agenda item come back in November for Council's review and consideration based on the Ad Hoc's recommendations.

- D. Council Requests For Future Agenda Items

Council member Tave requested a future agenda item to discuss and prioritize the City's project lists. Consensus given.

Council member Salimi requested a future agenda item to discuss grant opportunities to local business owners/organizations for COVID-19 impact relief. Consensus given.

- E. City Manager Report / Department Staff

City Manager Murray announced an upcoming online monetary donation drive in collaboration with Food Bank of Contra Costa and Solano County, Tiny Tots drive-through contact-less food

distribution event, and pilot Senior Center food distribution event. Announced that more information is on the website and City's Facebook page.

F. City Attorney Report

City Attorney Casher thanked the Finance Subcommittee and department heads for their work in reviewing the procurement policy that will be on the next meeting agenda for approval.

12. ADJOURNMENT to the Regular City Council Meeting of October 20, 2020 In Remembrance of Amber Swartz.

At 10:20 p.m., Mayor Swearingen adjourned the meeting to the Regular City Council Meeting of October 20, 2020 In Remembrance of Amber Swartz.

Submitted by:



Heather Iopu, CMC
City Clerk

Approved by City Council: December 15, 2020

