

**CITY COUNCIL MEETING
MINUTES
November 17, 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 **6:04** 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
Anthony Tave, Councilmember
Vincent Salimi, 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 November 12, 2020 at 6:00 p.m. All legally required notice was provided.

Council members Martinez-Rubin and Salimi reported a potential conflict of interest for item 3B & 9A and announced that they will recuse themselves from participating in those items.

The following speakers submitted written comments for item 3B that were read aloud and will be filed with the agenda packet for this meeting: **David Ruport, Irma Ruport**

Mayor Swearingen convened to a Closed Session at 6:17 p.m.

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 LEGAL COUNSEL—ANTICIPATED LITIGATION

Gov. Code § 54956.9(d)(2) or (d)(3)

Number of Potential Cases: 1

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Gov. Code § 54956.8

Property: 401-120-035 for 2100 San Pablo Avenue, The Faria House
Agency negotiator: City Manager Andrew Murray and Assistant City Manager
Hector De La Rosa,
Negotiating parties: Pinole History Museum
Under negotiation: Terms

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

Mayor Swearingen convened to a Closed Session at 7:41 p.m. There was no reportable action.

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, Irma Ruport, Rafael Menis, Sarah Dunham**

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamations
- B. Presentations / Recognitions

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 September 15, 2020
- B. Receive the October 31, 2020 – November 13, 2020 List of Warrants in the Amount of \$581,934.04 and the November 13, 2020 Payroll in the Amount of \$407,166.63
- C. Confirm Existence of Continued Local Emergency **[Action: Adopt Resolution per Staff Recommendation (Casher)]**
- D. Receive The Fiscal Year (FY) 2020-21 First Quarter Financial Report And Adopt A Resolution Approving Budget Adjustments **[Action: Receive Report and Adopt Resolution per Staff Recommendation (Murray)]**
- F. Adopt A Resolution Approving A Compensation And Benefits Plan For Management And Confidential Employees **[Action: Adopt Resolution per Staff Recommendation (Murray)]**

- G. Exclusive Negotiating Rights Agreement With Satellite Affordable Housing Associates To Develop Affordable Housing At 811 San Pablo Avenue [Action: Adopt Resolution per Staff Recommendation (De La Rosa)]

ACTION: Motion by Councilmembers Martinez-Rubin/Tave to Approve Consent Calendar Items A, B, C, D, F, & G.

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

Mayor Swearingen pulled item 7E to receive a public comment.

- E. Receive The Quarterly Investment Report For The Quarter Ending September 30, 2020 [Action: Receive and File Report (Murray)]

The following speakers submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Debbie Long**

ACTION: Motion by Councilmembers Murray/Martinez/Rubin to Approve Consent Calendar Item 7E

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

Council member Murray noted that Item 7H had not yet been voted on by the Council.

- H. Adopt A Resolution Authorizing Adoption of The California Department Of Transportation (Caltrans) "Local Assistance Procedures Manual (LAPM) Chapter 10 – Consultant Selection" And Amending The Procurement Policy To Incorporate This Requirement [Action: Adopt Resolution per Staff Recommendation (Miller)]

ACTION: Motion by Councilmembers Murray/Tave to Approve Consent Calendar Item 7H

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.

- A. Hazel Street Subdivision, Design Review, And Development Agreement **[Action: Conduct Public Introduce Ordinance on First Reading, and Adopt Resolution per Staff Recommendation]**

Planning Manager David Hanham provided an overview of the item and provided details of the staff recommendation. Council members asked questions. Staff provided additional information and details to clarify the project.

The following speakers submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Allen Dorsey, Alvaro Gomez, Angelina Martinez, Burns Family, Dan Comerford, Dissie, Douglas Poessy, Eric Cragin, Hilal Sala, Jennifer Mathers, Juan Zhou, Judy Hansen, Lynette Middleton, Margarita Perez, Melissa Bizarro, Rafael Menis, Robert Mann, Serge Erickson, Sharon Levitt, Steve Morrow, Subhana Ansari**

ACTION: Motion by Councilmembers Martinez-Rubin/Tave to Adopt Resolution per Staff Recommendation

City Council held discussion regarding the public comments, potential safety and traffic impacts of the project on the neighborhood.

ACTION: Motion by Councilmembers Salimi/Murray to Amend the Motion: Adopt Resolution with Amendment of Including Street Division by Adding Barriers

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

ACTION: Motion by Councilmembers Martinez-Rubin/Tave to Adopt Resolution with Amendment of Including Street Division by Adding Barriers

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

ACTION: Motion by Councilmembers Swearingen/Murray to Approve First Reading of Ordinance

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

Abstain: None
Absent: None

9. OLD BUSINESS

- A. Recommendations Of The Faria House Ad Hoc Committee And Consideration Of A Memorandum Of Understanding (MOU) Regarding The Renovation Of The Faria House And Lease To The Pinole History Museum **[Action: Receive Report and Consider Adoption of Resolution per Staff Recommendation (Murray)]**

City Manager Murray presented a report providing historical background regarding the Faria House as well as a summary of the staff recommendation.

The following speakers submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Alexander Jason, Beverly Phelan, Bill McMaster, Bob Moore, David Ruport, Debbie Long, Dolores Faria Lucas, Earl Combs, Estela Depaz, Debbie Ojeda, George Vincent, Irma Ruport, Ivette Ricco, Jasmine Valentine, Jeff Rubin, Jennifer Mills, JO Ann Gannotti, Juliana Jason, Loren Byrne, Maria Alegria, Michael Woldemor, Nita Jason, Sally Dunham, Sheila Moore, Steve Marrow, Tammera Campbell**

The Faria House Ad Hoc Committee of the City Council, Council members Tave and Murray, presented a report with a summary of the activity of the committee; fact finding, reviewed history of interaction between City and Faria House and family, reviewed costs and details of Pinole History Museum plans, worked with consultant to review project information, closed session of the City Council held during which the agreement being presented was discussed.

Council members Swearingen, Tave, and Murray held discussion. As reported during item 2 of the agenda, Council members Salimi and Martinez-Rubin abstained from discussion due to a potential conflict of interest.

At 11:41 p.m. Mayor Swearingen moved to extend the meeting to midnight. Council members gave consensus.

Council members continued discussion. Council member Tave moved to extend the meeting until the end of the agenda. Consensus given.

More discussion held by Council members. Council member Murray called the question.

ACTION: Motion by Councilmembers Swearingen/Murray to Approve Recommendations Of The Faria House Ad Hoc Committee And Approve A Memorandum Of Understanding (MOU) Regarding The Renovation Of The Faria House And Lease To The Pinole History Museum

Vote: Failed 2-1-2
Ayes: Swearingen, Murray
Noes: Tave
Abstain: Martinez-Rubin, Salimi
Absent: None

10. NEW BUSINESS

NONE

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements

Mayor Swearingen reported his attendance at the Mayors Conference; report given on sea level rise.

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

Mayor Swearingen called a short recess and reconvened after five minutes.

Council member Murray attended the WCCIMA meeting; reported that funds would be pulled from reserves to help mitigate amount of fee increases for service.

Director Miller reported that Council member Murray was honored with a proclamation at the WCCIMA meeting for his many years of service.

Mayor Swearingen announced his last meeting attended at WestCAT after thirteen years of service.

Council member Martinez-Rubin announced her attendance at the WestCAT meeting on November 12. Topics of discussion included public transit agency safety plan and service priorities moving forward.

Council member Salimi recognized Council member Swearingen and Council member Murray for their many years of service on boards representing Pinole.

Council member Salimi reminded the community to gather safely and in accordance with health guidance regarding

- C. Council Requests For Future Agenda Items

Council member Murray requested a future agenda item to discuss the Faria House. Consensus given by Council members Murray and Swearingen (No: Tave, Abstain: Salimi, Martinez-Rubin)

Council member Martinez-Rubin requested a future agenda item to discuss United Against Hate Week. Consensus given.

Council member Salimi requested a future agenda item to discuss charter city and fire study. Consensus given.

- D. City Manager Report / Department Staff

City Manager Murray announced that Contra Costa County is now back in the Purple Tier and to adhere to COVID-19 health advice and guidelines.

City Clerk Iopu announced that the regular meeting of December 1st has been cancelled and a special meeting will be held on December 8th.

F. City Attorney Report

12. **ADJOURNMENT** to the Special City Council Meeting of December 8, 2020 In Remembrance of Amber Swartz.

At 12:13 p.m. Mayor Swearingen adjourned the meeting to the special meeting of December 8, 2020 in Remembrance of Amber Swartz.



Heather Iopu, CMC
City Clerk

Approved by City Council: March 2, 2021

