

**CITY COUNCIL MEETING  
MINUTES  
March 16, 2021**

**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 Martínez-Rubin called the Regular Meeting of the City Council to order at 5:07 p.m. and led the Pledge of Allegiance.

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

**A. COUNCILMEMBERS PRESENT**

Norma Martínez-Rubin, Mayor  
Vincent Salimi, Mayor Pro Tem  
Devin Murphy, Council Member  
Anthony Tave, Council Member  
Maureen Toms, Council Member

**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  
David Hanham, Planning Manager  
Chris Wynkoop, Fire Chief  
Markisha Guillory, Finance Director

Assistant City Manager De La Rosa announced that the agenda was posted on March 11, 2021 at 4:00 p.m. All legally required notice was provided.

Following an inquiry to the Council, the Council reported the following conflicts of interest. Council members Salimi and Tave reported a potential conflict of interest for Item 8A due to the location of their homes and proximity to the project.

**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.

The following speaker submitted written comments for item 3A that were read aloud and will be filed with the agenda packet for this meeting: **Rafael Menis**

**A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Pursuant to Gov. Code § 54957  
Title: City Clerk

- B. CONFERENCE WITH LABOR NEGOTIATORS  
Pursuant to Gov. Code § 54957.6  
Agency designated representatives: City Manager Murray, Assistant City Manager De La Rosa, City Attorney Casher, Gregory Ramirez (IEDA)  
Employee organizations: AFSCME, Local 1, IAFF

At 5:11 p.m the City Council convened to a Closed Session.

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

At 6:56 p.m. the Mayor reconvened to an open session. 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. Individuals may not share or offer time to another speaker. 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, Kurt Pless, Roy Swearingen**

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

##### A. Proclamations

##### 1. American Red Cross Month

Mayor Martinez-Rubin along with the Council members presented the American Red Cross Month Proclamation. Rolanda Wilson, Red Cross Leadership Council, thanked the City Council and made comments regarding the work of the Red Cross and highlighted updates to services during the pandemic.

##### 2. Women's History Month

Mayor Martinez-Rubin along with the Council members presented the Women's History Month Proclamation.

##### B. Presentations / Recognitions

##### 1. City Employee Recognition

City Manager Murray presented a report of employee recognitions:

Les Lopez, Police Sergeant – Retired 1/31/21  
Jeremy Crone, Police Lieutenant – Hired 2/16/21

## 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 speakers submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Hector Vinas (7F), Irma Ruport (7F & 7J)**

City staff responded to the public comment.

Council member Murphy asked questions and made comments regarding items 7D, 7F, 7H, and 7J. Staff addressed the questions.

- A. Approve the Minutes of the Meetings of December 15, 2020 and January 30, 2021
- B. Receive the February 27, 2020 – March 12, 2021 List of Warrants in the Amount of \$ 744,701.19 and the March 5, 2021 Payroll in the Amount of \$401,053.24
- C. Placement of Liens for Delinquent Unpaid Waste Collection Charges Falling Delinquent Between August 2020 and December 2020, Considered at an Administrative Hearing on February 4, 2021 **[Action: Adopt Resolution per Staff Recommendation (Iopu)]**
- D. Resolution Confirming Continued Existence of Local Emergency **[Action: Adopt Resolution per Staff Recommendation (Casher)]**
- E. Housing Successor Agency Annual Report for Fiscal Year 2019-20 **[Action: Receive Report per Staff Recommendation (De La Rosa)]**
- F. Adopt a Resolution Approving a Fourth Amendment to the exclusive Negotiation 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. Receive the 2020 Annual General Plan Housing Element Progress Report as Required by the State of California **[Action: Receive Report per Staff Recommendation (Hanham)]**
- H. Resolution Accepting Grant from the State of California Department of Justice Tobacco Law Enforcement Grant Program **[Action: Adopt Resolution per Staff Recommendation (Miller)]**
- I. Adopt a Resolution Declaring Intent for the Levy and Collection of Annual Assessments for the Pinole Valley Road Landscape and Lighting Assessment District for FY 2021/2022, Setting the Date of the Public Hearing and Approving the Annual Engineer's Report **[Action: Adopt Resolution per Staff Recommendation (Miller)]**

- J. Approve a Purchase and Sale Agreement by and Between the City of Pinole and Pasquale and Marisa D'onofrio for the Sale of Property Located in the City of Pinole at 2361 San Pablo Avenue [Action: Adopt Resolution per Staff Recommendation (De La Rosa)]

**ACTION: Motion by Councilmembers Toms/Salimi to Approve Consent Calendar Items A-J**

**Vote:            Passed            5-0**  
**Ayes:            Martinez-Rubin, Salimi, Tave, Murphy, Toms**  
**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. Ordinance Adding Chapter 17.28, Historic Preservation Overlay, to the Municipal Code and Resolution Readopting Old Town Design Guidelines [Action: Conduct Public Hearing, Approve First Reading of Ordinance and Adopt Resolution per Staff Recommendation (Casher)]

City Attorney Casher introduced the item and Assistant City Attorney Alex Mog who presented the staff report.

he following speakers submitted written comments that were read aloud and will be filed with the agenda packet for this meeting: **Ann Moriarty, David Ruport, Jeff Rubin, Mike Stott, Rafael Menis, Irma Ruport**

Staff responded to the public comments and questions.

Council members asked questions regarding details of the report. Staff responded to questions.

Council held discussion regarding the area affected by the proposed overlay as well as details of the guidelines and implications for property owners.

**ACTION: Motion by Councilmembers Toms/Martinez-Rubin to Continue the Hearing to a Future Meeting and Direct Staff to Expand the Area of Property Owners that Will Receive Public Noticing and Include a Spanish Translation of the Notices Ahead of the Next Hearing**

**Vote:            Passed            3-0-2**  
**Ayes:            Martinez-Rubin, Murphy, Toms**  
**Noes:            None**  
**Abstain:        Salimi, Tave**  
**Absent:         None**

**ACTION: Motion by Councilmembers Toms/Tave to Extend the Meeting to 11:15 p.m.**

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

**9.        OLD BUSINESS**

- A.        City Staff Assessment of the Fire Study and Recommendations Regarding Steps to Fortify the City's Fire Service [Action: Receive Report and Approve Staff Recommendations (Wynkoop/Murray)]

**ACTION: Motion by Councilmembers Tave/Martinez-Rubin to Continue Old Business Item 9A to the April 6, 2021 City Council Meeting.**

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

**10.      NEW BUSINESS**

- A.        Letter of Opposition to Senate Bill (SB) 9 Regarding Increased Density in Single-Family Zones [Action: Discuss and Provide Direction (Murray)]

**ACTION: Motion by Councilmembers Murphy/Martinez-Rubin to Continue New Business Item 10A to the April 6, 2021 City Council Meeting.**

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

**11.      REPORTS & COMMUNICATIONS**

- A.        Mayor Report
  - 1.        Announcements

Mayor Martinez-Rubin attended the Mayors' Conference on March 2<sup>nd</sup>; presentation given by EBMUD with a summary of services and announcement of upcoming rate increase. Attended the WestCat Board meeting; resolutions were passed authorizing applications for state and federal grant funds.

- B.        Mayoral & Council Appointments  
None.

C. City Council Committee Reports & Communications

Mayor Pro Tem Salimi announced an upcoming meeting of the Pinole Hercules Wastewater Treatment Control Plant Subcommittee.

Council member Murphy announced upcoming meetings; "Coffee and Conversation" with Council member Murphy on March 21<sup>st</sup> at 9:00 a.m., Pinole Environment and Sustainability on Saturday March 27 at 10:00 a.m. and MCE Board Meeting on March 18<sup>th</sup> at 7:00 p.m.

Council member Tave attended RecycleMore meeting; discussed Dumpster Day options with Director and City Manager Murray. Working on moving planning of the event forward.

Council member Toms attended the WestCat Board meeting; reviewed budget, announced transport available for people traveling to vaccination appointments. Announced that along with Lieutenant Matt Avery, will be participating in a Special Olympics Torch Run fundraiser.

At 10:57 p.m. Mayor Martinez-Rubin called a short recess.

At 10:59 p.m. Mayor Martinez-Rubin reconvened the meeting.

D. Council Requests for Future Agenda Items

Council member Tave requested a future agenda item in closed session to discuss the City's agreement with Management Partners for the City Manager's performance evaluation. Consensus given.

Council member Tave requested a future agenda item to discuss Dumpster Day. Consensus given.

Council member Tave requested a memo from staff providing information on existing procedures regarding how the public can dispose of their collected trash after a clean-up event. Consensus given.

Council member Tave requested a memo from staff regarding a revamping of the City's website. City Manager Murray suggested that the Council address this question during the upcoming budget development process. Consensus given.

**ACTION: Motion by Councilmembers Murphy/Tave to Extend the Meeting to 11:40 p.m.**

<b>Vote:</b>	<b>Passed</b>	<b>5-0</b>
	<b>Ayes:</b>	<b>Martinez-Rubin, Salimi, Tave, Murphy, Toms</b>
	<b>Noes:</b>	<b>None</b>
	<b>Abstain:</b>	<b>None</b>
	<b>Absent:</b>	<b>None</b>

Council member Murphy requested a future agenda item for a report on the history of the Pledge of Allegiance. Consensus given.

Council member Murphy requested a future agenda item for a proclamation honoring the Pinole-Richmond Lions Club in their 100<sup>th</sup> year of service. Consensus given.

Mayor Martinez-Rubin requested a future agenda item for an Earth Day proclamation in April. Consensus given.

Mayor Martinez-Rubin requested a future agenda item to discuss use of the Faria House as a historical museum. No consensus.

E. City Manager Report / Department Staff

City Manager Murray asked that a planned short presentation on the American Rescue Act be deferred. Finance Director Guillory will present that report at the next meeting

F. City Attorney Report

No report.

**12. ADJOURNMENT** to the Regular City Council Meeting of April 6, 2021 in Remembrance of Amber Swartz.

Council member Toms announced the passing of Jesse Battle, a Pinole Resident, and over 50-year member of the Pinole-Richmond Lions Club who dedicated much of his life to community service.

Mayor Pro Tem, announced the passing of Sterling Kelley, lifelong resident of Pinole, at age 95. He was a World War II veteran, serving in the US Navy and retired business owner. He was a father and married 70 years to Dulce Kelley.

At 11:38 p.m. Mayor Martinez-Rubin adjourned the meeting to the Regular City Council Meeting of April 6, 2021 in Remembrance of Amber Swartz, Jesse Battle and Sterling Kelley.