

CITY COUNCIL MEETING
MINUTES
September 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 6:05 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
Anthony Tave, Councilmember
Vincent Salimi, Councilmember (arrived at 8:52 p.m.)

B. STAFF PRESENT

Hector De La Rosa, Assistant City Manager
Heather Iopu, City Clerk
Eric Casher, City Attorney
Scott Kouns, Fire Chief
Neil Gang, Police Chief
Tamara Miller, Development Services Director/City Engineer

City Clerk Iopu announced the agenda was posted on August 15, 2019 at 4:00 p.m. All legally required notice was provided.

City Clerk Iopu announced that additional materials pertaining to Items 6B1 and 9A 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

The City Council convened into closed session at 6:08 p.m.

A. A. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Gov. Code § 54956.9(d)(2)

Number of Potential Cases: 1

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

At 6:54 p.m. Mayor Murray reconvened the meeting and announced that there was no reportable action.

5. CITIZENS TO BE HEARD (Public Comments)

At 6:55 pm, the Mayor inquired if there were any Public Comments. The following speakers addressed the City Council:

Chris Wimmer, resident of Pinole, spoke regarding the nuisance created by marijuana smoke drifting from neighboring properties into his own property. Requested that the Council consider amending the smoking ordinance to address this.

Jason Kishineff, Congressional Candidate in District 5, spoke regarding military spending bill that was voted for by the current District 5 representative. Expressed need to decrease amount of military spending.

Jeff Rubin, President of Pinole Historical Society, announced upcoming events: On September 6, Linda Lopes Rosedale to do a program on history of her home, 610 Quinan Street, at Kaiser Medical Office Building at 6:30 p.m. On September 23, Chipotle will hold fundraiser for the Pinole History Museum between 4-8 p.m. On November 2nd from 5-8 p.m., fundraising dinner will be held at St. Joseph's School.

David Bowman, resident of Pinole, asked question regarding financial options for further road construction using gas tax revenue.

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

B. Presentations / Recognitions

1. Census 2020 Information by County & US Census Bureau Representatives

Presentation made by representatives of County and Census 2020 Steering Committee. Highlighted the strategies of the outreach efforts by the County and local Census representatives. Encouraged any community groups who have ideas to contact them and coordinate efforts. Reviewed the timeline of Census 2020 activities. Provided information regarding resources.

Questions by Council members. Census representative addressed the questions of Council.

The following speakers spoke to the City Council regarding this item:

Maria Allegría, spoke regarding her own Census outreach efforts and encouraged the participation and cooperation with the other cities in the region. Encouraged everyone to get involved in the process.

Rafael Menis, thanked the presenters and underlined the importance of an accurate count, and the funding implications for having all the people counted. Encouraged public participation.

2. Code Enforcement Quarterly Update by Community Development Services Director/City Engineer Tamara Miller

Community Development Services Director/City Engineer Tamara Miller provided an update on Code Enforcement activities.

Questions and comments from Council members regarding details of report. Staff addressed questions by Council. Discussion of the current recruitment process for the vacant Code Enforcement Officer position.

3. Public Works Update by Community Development Services Director/City Engineer Tamara Miller and Public Works Manager, Joe Bingaman

Community Development Services Director/City Engineer Tamara Miller and Public Works Manager, Joe Bingaman presented an update on the Public Works division.

Highlighted recent accomplishments, and ongoing activities, support functions, and future goals for Public Works Department.

Council members made comments and asked questions regarding report. Staff addressed the questions. Discussion by Council members and staff regarding new equipment that will be used for street repair.

The following speaker addressed the City Council:

Rafael Menis, resident of Pinole, thanked Public Works Department for implementing improvements on Pinole Valley Road. Asked regarding security and location of the 24 hour ballot box mentioned in the report.

Mayor Murray addressed the public comment.

4. Certificate of Recognition for Charles Christopher for Volunteer Services to the City of Pinole

In the event of his recent passing, Mayor Murray presented a Certificate of Recognition in honor of Charles Christopher for his Volunteer Services to the City of Pinole for many years in the Finance Department and Senior Center.

7. CONSENT CALENDAR

Councilmember Tave requested revision to Item 7A. Council gave consensus.

- A. Approve the Minutes of the Meeting of July 16, 2019
- B. Receive the August 17, 2019 – August 30, 2019 List of Warrants in the Amount of \$645,513.40 and the August 23, 2019 Payroll in the Amount of \$402,971.61

- C. Approve A Resolution Authorizing \$8,079.36 In Asset Seizure Funds For A One-Time Expenditure For The Police Department For Thirty-Three Axon Signal Sidearm Mounts [Action: Adopt Resolution per Staff Recommendation (Gang)]
- D. Receive the Quarterly Investment Report For The Quarter Ending June 30, 2019, And Authorize Staff To Invest Additional Funds In Long-Term Securities [Action: Receive Report and Provide Authorization per Staff Recommendation (A. Miller)]
- E. Amending The Master Fee Schedule For The Recreation Department [Action: Adopt Resolution per Staff Recommendation (De La Rosa)]

ACTION: Motion by Councilmembers Tave/Martinez-Rubin to approve Consent Calendar Items A-E with the approved revision of Item 7A.

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

8. PUBLIC HEARING

- A. Ordinance Amending Chapters 9.28 & 9.30 Of The Pinole Municipal Code Regarding The Regulation Of Tobacco Products And Tobacco Retailers [Action: Introduce Ordinance and Conduct Public Hearing (Casher)]

Assistant City Attorney Casher presented a report and outlined the action. Highlighted the reasons for proposing this change in the municipal code.

Council members asked questions to clarify details of the report. Staff addressed questions.

At 8:59 p.m. Mayor Murray opened the Public Hearing.

The following speakers spoke to the City Council regarding this item:

Steve Manikhong, resident of Pinole, spoke in opposition regarding the flavor ban on his business, requests that the Council consider what action the State takes before moving forward on an ordinance change.

George Wineman, spoke in opposition to this action, business owner stated that this action will have a negative effect on his business. Stated that people who wish to purchase these products will find them elsewhere if ban is imposed.

Rafael Menis, resident of Pinole, stated being in favor of the ordinance. Made comments that advertising is geared towards children. Asked for clarification on one of the items. Expressed concern regarding the criminal enforcement of this ordinance.

Ajmal Numan, resident of Pinole, spoke in opposition to the ordinance, expressed the importance of good parenting with regard to this issue. Suggested that a portion of tobacco sales tax be used for tobacco prevention in schools. Suggested stricter age verification as priority.

Andrew Weber, spoke in opposition to the ordinance, and stated that this would have a negative effect on his local business.

At 9:10 p.m. Mayor Murray closed the Public Hearing.

Council members asked questions and made comments. Staff responded to questions.

Discussion of options to address the concerns of the public with regard to the proposed ordinance including the effect on local businesses, the public nuisance issue, and public health concerns.

A

ACTION: Motion by Councilmembers to Tave/Martinez/Rubin to Approve the Ordinance, with an Amendment to Add 120 Days to the Effective Date of the Section of the Ordinance Regarding Flavored Tobacco Products; 9.30.066.

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

9. OLD BUSINESS

NONE

10. NEW BUSINESS

- A. Review and Consideration Of A Letter Regarding Federal Immigration Detention Facilities Prepared By Councilmember Tave [Action: Discuss and Provide Direction (Fitzer)]

Assistant De La Rosa presented report and outlined the action.

Councilmember Martinez-Rubin read an alternate version of the proposed letter that she drafted and submitted to the Council on the evening of the meeting.

Discussion of the letter by the City Council.

The following speakers addressed the City Council:

David Ruport, resident of Pinole, spoke in favor of the letter. Stated that we should be concerned regarding human rights. Spoke regarding history of immigration issues in this country.

Maria Alegria, resident of Pinole, read on behalf of Miriam Wong, Executive Director of Latina Center, a letter directed to Martinez-Rubin, regarding treatment of people in territories along the Southern border. Expressed importance in speaking up regarding issues affecting the Latino community.

Kent Moriarty, resident of Pinole, spoke in favor of the letter. Expressed that immigrants who are coming to this country because they are being treated inhumanely in their own countries. Stated that this is a local issue because of the connections that residents have with people being detained.

Ann Moriarty, resident of Pinole, expressed importance of standing up for the rights of immigrants. Encouraged support of the letter.

Veronica Aguilar, spoke regarding her experience as an immigrant. Asked the Council to consider the circumstances that an immigrant faces when coming here, gave details of her entrance into the country. Expressed that the letter may help if the Cities got together to stand up against these practices.

Rafael Menis, resident of Pinole, suggested including portions of Councilmember Tave's letter in the final version. Spoke in support of sending the letter. Highlighted the practices of the detention centers as reason to support it.

Kristin Persely, spoke in favor of the letter, stated that we must consider that we are in perilous times and must act in instances of this type of inhumane treatment.

George Pursely, spoke in favor of the letter, expressed that this is a Pinole issue that the Council should address.

Sabrina Pacheco, resident of Pinole, spoke in favor of the letter and announced a rally hosted by A Day Without Immigrants on September 16th in San Francisco. Encouraged public to attend.

Irma Ruport, spoke regarding her own experience, stated that the immigration issues facing our country have been going on a long time. Encouraged all Council members to support the letter.

Mayor Murray made comments.

ACTION: Motion by Councilmembers Martinez-Rubin/Tave to to approve the revised letter.

Discussion on the motion.

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

- B. Approve The City Of Pinole Fiscal Year (FY) 2019-20 THROUGH 2034-24 Five-Year Capital Improvement Plan and Adopt the FY 2019-20 Capital Budget [Action: Adopt Resolution per Staff Recommendation (A. Miller)]

Item continued to the next regular meeting of the City Council.

- C. Discussion Of Potential Ordinance Restricting Oversized Vehicle Parking in the City of Pinole [Action: Discuss and Provide Direction (Casher)]

City Attorney Casher presented report and outlined the action.

The following speakers addressed the City Council:

George Wineman, resident of Pinole, spoke regarding multiple 1-800 Got Junk trucks being parked on public streets and the issues it has created in the downtown area.

Development Services Director/City Engineer Miller made comments providing more context to the Council.

Joanne Bachand, spoke in favor of restricting parking for oversized vehicles. Spoke regarding the issues created by these trucks being parked in residential areas.

Council members asked questions. Staff addressed questions.

Council directed staff to work towards a City-wide ordinance, addressing the oversized vehicle parking issue.

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements

Mayor Murray announced a Pasta Dinner hosted by Congressman Thompson on Friday, September 13th at Viano Vineyards in Martinez.

Announced Coastal Clean Up on Saturday, September 21st at the Pinole Bay Front Park.

Announced Pinole Dumpster Day on October 5, 2019.

Council member Tave announced the opening of the Ace Hardware.

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

Mayor Pro Tem Swearingen reported regarding transportation sales tax that will be on the March 2020 ballot.

Councilmember Salimi reported having meeting with French General Consulate and Senators and hoping that this will lead to investment in Pinole.

Announced free mattress and compost dumping program at the Richmond Sanitary Service on the 1st Wednesday of each month.

Council member Martinez-Rubin announced mailings to public from businesses regarding solar energy programs and asked residents to be cautious regarding what they receive in the mail. The City has not approved or endorsed these mailings.

- D. Council Requests For Future Agenda Items

Councilmember Salimi asked for an update on the request for a discussion on property tax allocation. Assistant City Manager announced that this is on our agenda planner and will be coming forward next month.

City Attorney Casher asked for the Council to confirm its consensus to direct the municipal code subcommittee to work on a public nuisance ordinance related to smoking marijuana in residential areas. Consensus given.

E. City Manager Report / Department Staff

No Report.

F. City Attorney Report

City Attorney Casher reported that he has issued a Cease and Desist Letter to the businesses who the City has identified as misrepresenting the City in its mailer solicitations.

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

At 11:43 p.m., Mayor Murray adjourned to the City Council Meeting of September 17, 2019 In Remembrance of Amber Swartz.

Submitted by:



**Heather Iopu, CMC
City Clerk**

Approved by City Council: October 1, 2019

