

**CITY OF PITTSBURG
CITY COUNCIL/AGENCY CONCURRENT MEETING MINUTES**

DATE: November 16, 2020

LOCATION: Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, CA 94565

CITY COUNCIL/AGENCY MEMBERS

Jelani Killings, Mayor/Chair
Marilyn Craft, Vice-Mayor/Chair
Holland Barrett White, Council/Agency Member
Shanelle Scales-Preston, Council/Agency Member
Juan Antonio Banales, Council/Agency Member
S.L. Floyd, Agency Member
Annie Hill Herring, Agency Member

APPOINTED OFFICIALS

Garrett Evans, City Manager/Executive Director
Donna Mooney, City Attorney/Legal Counsel
Alice E. Evenson, City Clerk/Agency Secretary (elected)
Nancy Parent, City Treasurer (elected)

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the regular meeting of the City Council for November 16, 2020 was conducted electronically for Closed Session and through Zoom with broadcasting live through Granicus on the City's website. Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, the Council Chamber was not open for the meeting. Council Members participated electronically or through Zoom and were not physically present in the Council Chamber.

Mayor Killings called the meeting of the City Council to order at 7:14 P.M. in the City Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, CA after convening in Closed Session at 5:00 P.M. for the following items:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to Section 54956.9 (d) (1):

Martinez et al. v. City of Pittsburg et al., United States District Court Northern District of California Case No. 17-cv-04226-RS

2. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION; Significant exposure to litigation pursuant to Section 54956.9(d)(2)

Number of cases: one

3. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Initiation of litigation pursuant to Section 54956.9(d)(4)

Number of cases: two

4. CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Section 54957.6:

City designated representatives: Garrett Evans, Stacy Shell, Fritz McKinley, Maria Aliotti

Employee organizations: American Federation of State, County, and Municipal Employees Local 512 Management/Professional/Confidential Unit and Miscellaneous A Unit; Pittsburg Police Officers' Association; Pittsburg Police Managers Group; Teamsters Local 856

Unrepresented employees: Management Group; Senior Executive Team

There was no reportable action taken in closed session.

ROLL CALL

All Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CITY MANAGER REPORTS/REMARKS

City Manager Evans gave an update on the COVID-19 health order for the City of Pittsburg.

PUBLIC COMMENTS

Comments were received from:

A Concerned Customer
Frank Aiello
Nicole Terrell
LaJoyce Terrell
Mo Terrell

COMMITTEE REPORTS

Mayor Killings attended the Finance subcommittee meeting. He also attended the Mayors Conference.

PUBLIC HEARING

5. Adoption of a City Council Resolution Approving a Second Substantial Amendment to the Community Development Block Grant 2019-2020 Annual Action Plan to Add the CDBG-CV Round 3 Allocation

Mayor Killings opened the Public Hearing. There being no one to speak to the item, Mayor Killings closed the Public Hearing.

On Motion by Vice-Mayor Craft, seconded by Member White to adopt and carried unanimously.

6. Adoption of Two City Council Resolutions to: 1) Certify a Final EIR, Adopt CEQA Findings, Adopt an MMRP, and 2) Amend the General Plan Land Use Map; and Introduction and Waive First Reading of Two City Council Ordinances to: 1) Amend the San Marco PD District and Development Plan, and 2) Approve the 4th Amendment to the San Marco Development Agreement for the San Marco Commercial Center Project, AP-18-1349 (GP, RZ, DA)

Mayor Killings opened the Public Hearing.

A comment was received from:

David Kubeck

There being no one to speak further to the item, Mayor Killings closed the Public Hearing.

On Motion by Member Scales-Preston, seconded by Vice-Mayor Craft to adopt two resolutions and introduce and waive first reading of two ordinances, and carried unanimously.

CONSIDERATION

7. Adoption by Minute Order of a City Council Recess for Winter Months

On Motion by Vice-Mayor Craft, seconded by Member White to adopt and carried unanimously.

8. Measure M Citizens Oversight Committee Report – Final Fiscal Year 2019-20 usage

On Motion by Mayor Killings, seconded by Member Banales to adopt and carried unanimously.

9. Discussion of Public Comment Agenda Item of Nov. 2, 2020

Comments were received from:

Marahya
Fatima Salgado-Ortiz
Dikshya Koirala
Pittsburg Youth Action
Manisha Rattu

This was a discussion item only and no action was taken.

CONFLICT OF INTEREST STATEMENT

Vice-Mayor/Chair Craft stated she would recuse herself from Consent Calendar Item 11 due to her financial interest.

COMBINED CITY COUNCIL, PITTSBURG ARTS AND COMMUNITY FOUNDATION, PITTSBURG POWER COMPANY AND SOUTHWEST PITTSBURG GHAD II AND SUCCESSOR AGENCY CONSENT CALENDAR

On Motion by Member Banales, seconded by Member Scales-Preston to adopt and carried unanimously.

10. Minutes of November 2, 2020
11. Adoption of a Pittsburg Power Company Resolution Accepting a \$40,000 Grant from the Y & H Soda Foundation and Increasing the Instructional Budget of the Future Build Program
12. Adoption of a City Council Resolution Approving an Increase in the Authorized Rate requested by Contra Costa Waste Service, Inc. for the Operation of the Recycling Center and Transfer Station
13. Adoption of a City Council Resolution to Amend the International Brotherhood of Electrical Workers (IBEW) MOU, Establish a Salary Range for Utility Maintenance Worker and Amend Salary Range of Utility Lineworker and Utility Technician
14. Adoption of a City Council Resolution to Approve a Deposit and Reimbursement Agreement for Community Facilities District 2021-1 (Tuscany Meadows)
15. Adoption of a City Council Resolution Accepting the Public Improvements for the Liberty Subdivision (Subdivision 9453)
16. Adoption of a City Council Resolution Accepting West Coast Home Builder's Dedication of West Leland Road and Santa Teresa Drive Extensions and Accepting the Improvements for Continuous Maintenance
17. Adoption of a City Council Resolution Granting an Easement to Delta Diablo Sanitation District for Reclaimed Waterline at Mariner Walk Park
18. Adoption of a City Council Resolution Granting an Easement to Pacific Gas & Electric to Provide Service to 11 Marina Boulevard
19. Receive and File the Treasurer's Report for the Quarter Ending September 30, 2020
20. Adoption of a City Council Resolution Authorizing a Consultant Service Agreement with Opticos Design Inc. for the Preparation of Objective Design Standards and Permit-Ready Accessory Dwelling Unit Prototype Designs under the Senate Bill 2 Planning Grant Program

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

Member Banales requested a future item relating to evaluating the actions of November 2, 2020 for any violations of the Council Policy and Procedures and subsequent actions needed to correct those violations.

On Motion by Member Banales, seconded by Vice-Mayor Craft and adopted by the following vote:

AYES: Banales, Craft, Scales-Preston, White
NOES: Killings

Member White requested a future item to establish a subcommittee to review the City Council Policy and Procedures.

On Motion by Member White, seconded by Member Banales and adopted unanimously.

COUNCIL MEMBER REPORTS AND REMARKS

There were no Council Member reports or remarks.

ADJOURNMENT

The City Council meeting adjourned at 9:09 P.M. to December 7, 2020.

Respectfully submitted,

Alice E. Evenson, City Clerk

meetingcomments

From: Bruce Ole Ohlson <bruceoleohlson@hotmail.com>
Sent: Monday, November 16, 2020 7:48 PM
To: meetingcomments
Subject: Public hearing comments on Item 5

****External Sender: Use caution before opening links or attachments****

Dear Mayor Killings and City Council,

You will recall that we have a burned-out house at 766 Stoneman Avenue. It has been vacant and boarded up for at least 15 years. Part of the roof is falling in. It sure would be a feather in the hat of the City of Pittsburg if we could SOMEHOW abate this problem. I have heard staff speculate that it appears that the owner is a foreign national and has written off his investment.

With regard to spending the CDBG grants. Maybe you could use some of this grant money to abate this problem. The homeless have lived in the back yard of and inside the house off and on during the past 15 years. We need to do something. This problem is not going away.

I apologize for sending this comment a few minutes late.

All best wishes,

~Ole

Bruce "Ole" Ohlson
Bike East Bay
Delta Pedalers Bicycle Club
Contra Costa Countywide Bicycle Advisory Committee
CCTA Bicycle & Pedestrian Advisory Committee
Caltrans District 4 Bicycle Advisory Committee
TRANSPLAN appointee to Highway 4 Integrated Corridor Management Study
Healthy and Livable Pittsburg Collaborative



Virus-free. www.avg.com

meetingcomments

From: Manisha Rattu <mrattu@alumni.stanford.edu>
Sent: Monday, November 16, 2020 6:13 PM
To: meetingcomments
Subject: for public comment - agenda item 9

****External Sender: Use caution before opening links or attachments****

Dear Councilmembers and City Staff,

One aspect of our community that I have always been grateful for is the diversity of cultures, backgrounds, beliefs, and people that call this city their home. I did not realize that a community like ours was unique until I went away to college. Now that I have moved back home, I have been surprised to see so much intolerance amongst our community and our leaders.

The city council's refusal to acknowledge PYA's open letter and its contents runs counter to both the city's and the community's values. I hope that today's discussion and following conversations help build towards a safe space for all of our community members, and especially our LGBTQ community members.

As a young person, I will not sit by and watch as my city's leaders diminish others' identities. Therefore, I would like to see our elected officials hold themselves accountable to their actions. I would also like to see our city leaders work with PYA to right some of these wrongs and to continue to build an open and honest dialogue.

Thank you for your time.

meetingcomments

From: Pittsburg Youth Action <pittsburgyouthaction@gmail.com>
Sent: Monday, November 16, 2020 6:00 PM
To: meetingcomments
Subject: FOR PUBLIC COMMENT: Agenda Item 9

****External Sender: Use caution before opening links or attachments****

Dear Mayor Killings, Pittsburg City Council, City Attorney and City Manager,

During the Monday, November 2 City Council Meeting, Mayor Killings and City Staff stopped our Open Letter to Mayor Jelani Killings from being read which was **a direct violation of the Brown Act**.

As community members, we have a right to ask our elected leaders about the decisions they make involving our community. The contents of our letter noted decisions made by Mayor Killings that have caused harm to our community members. We believe that an open and honest conversation is needed to ensure that these harms are acknowledged and not repeated. Unfortunately, by silencing our letter and public comment, Mayor Killings conveyed a lack of willingness to acknowledge the impact of his actions.

In conclusion, the decision by Pittsburg City Council, City Attorney, and City Manager to prevent our letter from being read was both unprofessional and unethical. Furthermore, we believe that the refusal to read our letter during Mayor Killings' reelection campaign was a strategic stunt beneficial to the incumbent. We call into question whether the decision to agendize our open letter during tonight's Council meeting was to provide space for our comments or to prevent legal action.

To resolve this matter and ensure a commitment to nondiscrimination, we would like to see the following demands met:

- 1.
2. Publicly acknowledge the
3. violation of not reading our open letter.
- 4.
- 5.
6. Commit to moving forward
7. with the community's trust at hand.
- 8.
- 9.
10. Ensure that this violation
11. will not occur again and the City Attorney must do better to follow thorough protocols and procedures if a public comment is stopped by a City official in the future.
- 12.
- 13.
14. Issue proclamations and
15. support visible indicators, like the Pride Flag, of LGBTQ acceptance and inclusion.
- 16.
- 17.
18. Make government employee
19. diversity trainings LGBTQ-inclusive to ensure that city staff are constantly aware of and practicing the city's nondiscrimination policy.
- 20.
- 21.
22. Establish a JEDI (Justice,
23. Equity, Diversity, and Inclusion) commission or advisory board which consists of an LGBTQ liason to guide the executive, council members, and other administrative officials. This commission should be separate from the CAC or Youth Commission.
- 24.
- 25.

26. Reach out with dates/times
27. of availability and schedule a meeting with Pittsburg Youth Action to discuss this matter further.
- 28.

We look forward to receiving a response no later than **Friday, November 20, 2020 by 5 PM.**

Regards,
Pittsburg Youth Action
Lift Up Contra Costa Action
SEIU 1021
Contra Costa Labor Council

meetingcomments

From: Dikshya Koirala <koirala1997@gmail.com>
Sent: Monday, November 16, 2020 5:14 PM
To: meetingcomments
Subject: For public comment item #9

****External Sender: Use caution before opening links or attachments****

Hello,

Just wanted to say that I am deeply saddened at the actions taken on the November 2 meeting which stopped PYA's letter to mayor jelani killings from being read aloud. It is during times like these when we are able to use our voice to ignite change and to have that be taken away from us simply stops us a community from moving forward.

I sincerely hope that everyone involved knows the weight the actions taken at that meeting carry. It was more than just stopping a letter from being read aloud.

Our city leaders need to be the ones to strive for change in hopes of a more kind and inclusive mindset towards all.

Thank you
Dikshya

meetingcomments

From: Fatima Salgado- Ortiz <fasalgad@ucsc.edu>
Sent: Monday, November 16, 2020 4:33 PM
To: meetingcomments
Subject: For Public Comment Item Number 9

****External Sender: Use caution before opening links or attachments****

Good evening Mayor Killings and City council members,

Regarding the city meeting from November 2nd, it is unacceptable that PYA's letter was interrupted and rather pushed to be read until after elections. As community leaders it is necessary that you all listen to the youth and allow space for their voices to be heard. City leaders should not be avoidant when they are asked to hold themselves accountable. Pittsburg needs leaders who are open to finding ways to be more inclusive of everyone and recognize their harmful mistakes.

Thank you,
Fatima Salgado

meetingcomments

From: Marahya <navasmarahya@gmail.com>
Sent: Monday, November 16, 2020 9:49 AM
To: meetingcomments
Subject: FOR PUBLIC COMMENT: ITEM NUMBER 9

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Let me just begin with saying that it is incredibly embarrassing for everyone who sits on this board to stop an open letter from being read to hold council members accountable for their actions. Not only is it embarrassing, but it is very telling who you actually intend to serve. All of you are complicit in silencing the voices of the people who are most impacted in Pittsburgh, people you pledged to serve. Instead of showing the commitment to improve Pittsburgh, y'all have consistently shown that y'all would like to acknowledge only your own self interest. To address the open letter written by PYA, Pittsburgh is FULL of queer and undocumented folk. What is the city openly doing to publicly offer our support to these groups of people? How are we protecting these people? For Killings, how can you be our mayor and outwardly dishonor these populations by using your position of power to directly suppress them? How can you stand here and act as if Pittsburgh is happy with you as our mayor. This board is unprofessional and unethical. All of you have chosen profits and your own ego over people and that is truly pathetic to see from grown professionals .

meetingcomments

From: Jo Jo <jojo2terrell@gmail.com>
Sent: Friday, November 13, 2020 10:43 PM
To: meetingcomments
Subject: FOR PUBLIC COMMENT NON AGENDA

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Per the medical information I received regarding my diagnosis, a facial or scalp contusion is defined as "a deep bruise(contusion) on the face or head. Injuries to the face and head generally cause a lot of swelling, especially around the eyes. Contusions are the result of an injury that caused bleeding under the skin. The contusion may turn blue, purple, or yellow. Minor injuries will give you a painless contusion, but more severe contusions may stay painful and swollen for a few weeks. Facial or scalp contusions are caused by blunt injury, fall, or trauma to the face or head area." I also have bruising and swelling on my ankle, soreness/tenderness in my abdomen and rib area, legs and neck.

After all of the traumatic events that took place on Friday, my daughter and I are battling stress and anxiety. The hate crime that we unexpectedly encountered, on top of the lack of compassion and follow through from Officer Arellano, has forced me to seek professional help for my daughter and I, in order to move forward after such a traumatic experience. It is frightening to participate in daily activities knowing that these individuals have not been reprimanded and apprehended for their actions. They are able to go on with their lives and have the opportunity and privilege to cause further harm to others. A hate crime has been committed and I am seeking justice. I am also expecting for Officer Arellano to be disciplined as a result of his lack of inaction.

On Monday, October 26, 2020 at 3:30 p.m., I went to the Pittsburg Police Department to retrieve a copy of the police report. To add insult to injury, I was told that I couldn't have a copy because I was listed as the suspect. I am expecting a response from your office regarding this matter as soon as possible please. Thank you.

meetingcomments

From: Mo Terrell <hpmoe415@gmail.com>
Sent: Friday, November 13, 2020 10:34 PM
To: meetingcomments
Subject: For Public Comment-Non Agenda
Attachments: IMG_2096.JPG; ATT00001.txt

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I'm Nicole Terrell's father, the victim of a hate crime at a public park in Pittsburg. This is part of her experience.

meetingcomments

From: LaJoyce Terrell <lajoyceterrell@gmail.com>
Sent: Friday, November 13, 2020 9:42 PM
To: meetingcomments
Subject: FOR PUBLIC COMMENT – NON AGENDA

****External Sender: Use caution before opening links or attachments****

I was able to capture the license plate of the vehicle that man 2 and the couple that picked him up left the scene in. Man 1 then drove around the block in a white Chevrolet Malibu repeatedly while smiling. I was able to capture a picture of his (1) license plate number as well.

Approximately one hour later, as I was consoling my distraught daughter, while simultaneously trying to maintain my composure, the police finally arrived. Officer Jesus Arellano, introduced himself and took statements from all parties that were involved or witnessed the crime, except forgiven by the young bystander that helped me, the African American man and his family, and man 1. After his conversation with man 1, Officer Arellano told him to "have a good evening."

Officer Arellano did not express compassion or concern for the well-being of my daughter and myself. I provided all the information, the videos, and I even showed him the knot on my head. He then made the insensitive comment that "there was a misunderstanding on both sides and that both parties need to act like adults". He also stated that the assault I endured was considered "a misunderstanding and a misdemeanor." Officer Arellano then insinuated that I must have had a knot on my head before coming to the dog park because my skin was "not red". I then stated to him that I am a brown-skinned girl (an African American woman) and that I do not get red when bruised. He then stated that he knows some black people that do get red from a knot. I then asked for him to take pictures of my injury, and he stated he did. I did not feel confident that he had taken photos of my injury and I requested if I could see them. He then told me that he could not show me the photos.

After everything that my daughter and I encountered, I felt belittled and victimized for the third time.

meetingcomments

From: Nicole Terrell <nicoleterrell90@gmail.com>
Sent: Friday, November 13, 2020 9:28 PM
To: meetingcomments
Subject: FOR PUBLIC COMMENT-NON AGENDA

****External Sender: Use caution before opening links or attachments****

I would like to acknowledge that I have only received phone calls of concern from Ms. Craft and Mr. White. Thank you both. This letter was sent to Mayor Killings and all of the Pittsburg City Council members, a few weeks ago.

Dear Mayor Killings,

On Friday, October 23, 2020, at Highland Park, in Pittsburg, Ca. My six-year-old daughter and I were going about our regular Friday routine, by taking our dog, to the local neighborhood dog park. Within the next few moments after arriving, I became the victim of a hate crime. This violent event occurred right in front of the eyes of my six year old daughter.

Around 6:10 p.m. my dog Bella was attacked by a dog belonging to an African American family. The family was very apologetic and they made the decision to leave the park, because of their dog's behavior. As they were leaving, a man(1) assumed that we were all at the park together. He proceeded to become hostile. He chatised us while hurling racist slurs directed towards us, such as "monkeys, niggers, and bitches." It was my dog that was actually injured by the family mentioned above and we had resolved the incident amicably. He(1) continued spewing racial slurs and referred to the older African American man as my father and mentioned that we" need to go back to where we came from and remove the dog (that did not belong to me) from the park". The man(1) became aggressive and got in the African American man's face, so close that it appeared as if he touched him.

In defense of her husband, his wife threw water in the direction of the aggressive racist man(1). Man 1 claimed to be a federal agent. While I recorded his call to the police, he referred to me as a "monkey ass bitch".

meetingcomments

From: David <davidk5160@icloud.com>
Sent: Saturday, November 7, 2020 11:27 AM
To: meetingcomments
Subject: FOR PUBLIC COMMENT: Agenda Item 6 (Nov-16-2020 City Council Meeting)

****External Sender: Use caution before opening links or attachments****

The community in Western Pittsburg has been asking for more commercial options for several years now. Attachment 12 shows the community response that supports this. This change aligns with that request, and I'd like to join city staff in recommending moving forward with this change.

Regards,

David Kubeck
City of Pittsburg Resident
Vista Del Mar Neighborhood

meetingcomments

From: FRANK AIELLO <frankaiello@msn.com>
Sent: Saturday, November 7, 2020 10:12 AM
To: meetingcomments
Subject: Keller Canyon

****External Sender: Use caution before opening links or attachments****

At what point is poisoning are residents acceptable? For 2 years it's been going on because the County Board of supervisors lied to us about soil samples related to Hunters Point. Do children or any resident have to die before action is taken? Our Supervisor has has known for some time that tests were not conducted yet failed to notify Pittsburg. Let me remind the council that your failure to act will put liability on the city as well. This city should now send a letter to the ccounty giving them 30 days to comply with a 3rd party testing. If they do not the city should sue the county to protect the health and Safety of our residents. We should also be doing the same with regards to air monitors. Had we pushed for air monitors like I have asked before we would have been alerted to this when it was happening. You can no longer look the other way. At this point this should be turned over to the grand jury for criminal prosecution of the BOS for willfully and intentionally lying to Pittsburg residents with regards to public health and Safety. 2 of you have conflict being related to our Supervisor and should not be part of this conversation.

Respectfully,
Frank Aiello
Pittsburg resident

Sent via the Samsung Galaxy S8 Active, an AT&T 5G Evolution capable smartphone

meetingcomments

From: drahpehs@yahoo.com
Sent: Wednesday, November 4, 2020 7:28 AM
To: meetingcomments
Subject: Tri Delta Bus Shields

****External Sender: Use caution before opening links or attachments****

I watched the 11/2/20 meeting and just wanted to mention that I don't see evidence that all Tri Delta buses have plexiglass shields.

I have ridden the 381 at 6:35 am and the 387 around 8:50 am, and one out of four times, I don't see any shields.

I have brought this to Tri Delta's attention.

Feel free to add this to public comments.

Concerned customer

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Sent from Yahoo Email App for Android