

**PINOLE CITY COUNCIL  
MINUTES  
November 21, 2017**

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS**

Mayor Long called the meeting to order in honor of the US military at 6:00 p.m. and led the Pledge of Allegiance.

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

**A. COUNCIL MEMBERS PRESENT**

Mayor Debbie Long  
Mayor Pro Tem Tim Banuelos (arrived at 6:25 p.m.)  
Council Member Peter Murray  
Council Member Roy Swearingen  
Council Member Maureen Toms

**B. STAFF PRESENT**

Hector De La Rosa, Assistant City Manager  
Eric Casher, City Attorney  
Neil Gang, Police Chief  
Scott Kouns, Fire Chief  
Rosa Acosta, City Clerk

City Clerk Acosta announced the agenda was posted on November 16, 2017 at 4:00 p.m. All legally required notices were provided.

City Clerk Acosta announced the following documents were presented subsequent to the publication of the agenda and provided at the dais for the Council and copies at the rear of the Chamber for the public.

- Item 10A – Revised First Quarter of the FY 2017-18 Budget
- Item 10B – Pinole Valley Park Caretaker Role and Compensation – Item pulled for further review and future discussion

The Council responded to the City's Clerk question, stating there were no conflicts with any items on the agenda.

**3. CONVENE TO A CLOSED SESSION**

At 6:08 p.m., Mayor Long convened to a Noticed Closed Session to discuss the following items:

**A. CONFERENCE WITH LABOR NEGOTIATOR**

Pursuant to Gov. Code §54597.6

City Labor Negotiators: Bruce Heid and Hector De La Rosa, Assistant City Manager

Employee Organizations: Fire Local 1230  
PPEA

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Gov. Code §54956.8

Property: 600 Tennent Avenue (APN: 401-142-010)

Negotiator: City Manager, Michelle Fitzer and Assistant City Manager, Hector De La Rosa

Negotiating Parties: Marc Grisham and Jim Riley

Under Negotiation: Terms

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Gov. Code §54956.8

Property: 612 Tennent Avenue (APN: 401-142-011)

Negotiator: City Manager, Michelle Fitzer and Assistant City Manager, Hector De La Rosa

Negotiating Parties: Marc Grisham and Jim Riley

Under Negotiation: Terms

***OPEN SESSION WILL COMMENCE UPON COMPLETION OF CLOSED SESSION DISCUSSIONS, WHICH MAY OCCUR BEFORE 7:00 PM***

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

At 7:16 p.m., Mayor Long reconvened the meeting in open session and announced there were NO REPORTABLE ACTIONS

**5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS**

A. Proclamations

- a. Proclamation declaring November as Homelessness Awareness Month

Mayor Long presented the proclamation to Jenny Robbins, Housing and Services Administrator Health, Housing and Homeless Services. Ms. Robbins is a resident of Pinole and employee of Contra Costa County and honored to receive the proclamation on behalf of the County. Point and Time Count, federal initiative coming up and soliciting volunteers.

B. Presentations / Recognitions

- a. Board member Mister Phillips of the West Contra Costa Unified School District will provide an update on District programs such as the new Positive School Climate Policy

Board member Mister Phillips of the West Contra Costa Unified School District provided an update to Council on the current task of reforming school discipline. The district created the Willful Defiance Task Force to research the issue and come up with a recommendation to the board, addressing the willful defiance suspension. The committee included the School Resource Officer's (SRO's) were included in the policy brought forward for Board approval. The policy was approved by the Board. Board member Phillips stated his support for community involvement in the decision and implementation of Restorative Justice including teachers and students to enable them to navigate the district. He restated his concern with the removal of SRO's due to impact.

Mayor Long stated her support of the positive school climate program and her concern about the removal of the SRO's. She stated that the policy states that the funds for the SRO's will be

redirected for school programs. Mayor Long expressed her disappointment with the District's Board members and their lack of desire to form partnership with the City. She stated her concern about student safety and defiance, the City will no longer have the partnership with the school district and the City will enforce the law to make the City of Pinole safe.

Board member Phillips stated that in order for the District to be successful it requires strong partnerships with the City. The District depends on the city for multiple projects and relationships. Discussions moving forward will include student, parents and teachers for their input. You can't make policies that deal with law enforcement in isolation. The ban is to remove suspension solely for "willful defiance", students will still be suspended. The policy does not go into effective immediately; it will be phased in i.e., 2018 into effect for elementary, 2019 middle school and high school implementation. He is not in support of removing the SRO's from the District. The policy was not intended to remove the SRO's, the Superintendent is in support of removing the discussion of SRO's. The District must have high functioning teachers in order to be a high functioning district.

Mayor Pro Tem Banelos stated his discontent in the manner in which the Board meeting was conducted and the disrespectful manner in which community members and elected officials were treated.

Councilmember Swearingen stated his support for implementing the restorative justice approach in addition to keeping the SRO's. He stated his concern with child safety due to recent incidents involving crime against children on school sites.

Councilmember Murray thanked Board member Phillips for being present and stated his concern with the new discipline policy.

Councilmember Toms stated that the District runs the risk of losing students due to disruptions and unsafe conditions in the school. She encouraged members of the community and parents to attend the next school board meeting on December 6, 2017 to state their concern.

Council thanked Board member Phillips for coming to the City and presenting an update with current policies. He is willing to come and speak to the Council on issues.

## **6. CITIZENS TO BE HEARD (Public Comments)**

**None**

## **7. CONSENT CALENDAR**

- A. Approved the Minutes of the Meeting of November 7, 2017
- B. Received the November 4 - 17, 2017 List of Warrants and November 17, 2017 Payroll in the Amount of \$386,01.84
- C. Second Reading and Adoption of an Ordinance Amending Chapter 8.20 of the Pinole Municipal Code Regarding Stormwater Management and Discharge Control, and Imposing New Pollutant Discharge Requirements  
**[Action: Adopt Ordinance Per Staff Recommendation (E. Casher)]**
- E. Received the Quarterly Investment Report for the Quarter ending September 30, 2017  
**[Action: Review and Receive Report (A. Miller)]**

- F. Approved a Resolution Extending the Period for Development or Disposition of Properties Transferred from the Former Redevelopment Agency of The City of Pinole to the City Of Pinole as The Housing Successor, Pursuant to Health and Safety Code Section 34176.1(E)  
[Action: Adopt Resolution Per Staff Recommendation (M. Fitzer/S. Downs)]

**ACTION: Motion by Council Members Toms/Banuelos, the Council Approved the Consent Calendar Items A, B, C, E and F.**

**Vote:            Passed            5-0**  
**Ayes:                Banuelos, Long, Murray, Swearingen, Toms**  
**Noes:                 None**  
**Abstain:            None**  
**Absent:             None**

Item 7G was removed at the request of Councilmember Murray, for separate approval:

- G. Second Reading and Adoption of an Ordinance Amending Chapters 17.20 and 17.59 of the Zoning Code regarding Alcohol Sales as a Conditionally Permitted Use Within the Regional Commercial (RC) Zoning District and Allowing Alcohol Sales at Gas Stations as a Conditionally Permitted Use  
[Action: Adopt Ordinances Per Staff Recommendation (W. Rhodes)]

**ACTION: Motion by Council Members Toms/Banuelos, the Council Approved the Consent Calendar Items G.**

**Vote:            Passed            4-1**  
**Ayes:                Banuelos, Long, Swearingen, Toms**  
**Noes:                 None**  
**Abstain:            Murray**  
**Absent:             None**

**8. PUBLIC HEARINGS – NONE**

**9. OLD BUSINESS – NONE**

**10. NEW BUSINESS**

- A. Receive and Review First Quarter of the FY 2017-18 Budget and Adopt Resolution Approving Budget Adjustments [Action: Approve Resolution Per Staff Recommendation (A. Miller)]

Finance Director Andrea Miller presented the report citing that 1<sup>st</sup> quarter revenues were sufficient to satisfy expenditures for the adopted FY 2017-18 budget. She summarized the various budget adjustments (net increase/decrease) by Departments. Council asked questions and received responses.

**ACTION: Motion by Council Members Toms/Murray Adopting Resolution approving Budget Adjustments per staff recommendations for the FY 2017-18 Budget.**

**Vote:            Passed:            5-0**

**Ayes:** Swearingen, Murray, Long, Toms, Banuelos  
**Noes:** None  
**Abstain:** None  
**Absent:** None

- B. Pinole Valley Park Caretaker Role and Compensation  
[Action: Receive Report & Provide Direction (M. Fitzer)]

Item 10B was removed for further review and discussion by staff.

## 11. REPORTS & COMMUNICATIONS

- A. Mayor Report  
1. Announcements

Mayor Long attended the LifeLong Open House and toured Pinole Valley High school construction and provided an update. She received a complaint about the condition of the Veteran's Memorial and requested an update on future repairs. Mayor Long stated that crack-sealing was done on Appian Way and requested an update from staff.

- B. Mayoral & Council Appointments – None  
C. City Council Committee Reports & Communications –

Councilmember Swearingen attended the Ribbon Cutting ceremony for the Alhambra Bridge and provided an update.

Mayor Pro Tem Banuelos toured Pinole Valley High School and provided an update on the current construction.

Councilmember Murray attended a community get together with City Planner, Winston Rhodes review of colors for the flyover of the Bay Trail project and provided an update to Council.

Councilmember Toms stated that the East Bay Regional Park received a \$2.3 million dollar grant to extend bay trail from Hercules to Lone Tree Park. She attended the PVHS tour and was pleasantly surprised with the construction.

- D. Council Requests For Future Agenda Items - None  
E. City Manager Report / Department Staff

Assistant City Manager De La Rosa informed Council and the community about the upcoming "Tree Lighting" event scheduled for Saturday, December 2<sup>nd</sup> at 2:30 p.m., he thanked Sequoia Realty for purchasing the tree and sponsoring pictures with Santa. He informed the community that "Tropical Smoothie Cafe" will have a week-long fundraising event during the week of December 4-12, 2017, 50% of proceeds will be donated to families affected by the fires up north. He provided an update to Council on the future website module and requested Council feedback by Thursday, November 23<sup>rd</sup>. Council asked questions and received responses.

F. City Attorney Report

City Attorney Casher stated that the State of CA released the updated draft regulations for Prop 64 and informed the Council that those changes do not impact the City of Pinole.

**12. ADJOURNMENT** to the Regular City Council Meeting of December 5, 2017 In Remembrance of Amber Swartz at 5:00 p.m.

At 9:17 p.m., Mayor Long adjourned the Regular City Council Meeting of November 21, 2017, in Remembrance of Amber Swartz, and our Military personnel all around the world.

**Submitted by:**



---

**Rosa G. Acosta**  
City Clerk

**Approved by City Council: December 5, 2017**