

**PINOLE CITY COUNCIL
MINUTES
June 19, 2018**

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

The Regular Pinole City Council Meeting was held in the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Pro Tem Murray called the Regular Meeting of the City Council to order 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 Banuelos (arrived at 6:25 p.m.)
Mayor Pro Tem Pete Murray
Council Member Debbie Long
Councilmember Roy Swearingen
Council Member Maureen Toms

B. STAFF PRESENT

Michelle Fitzer, City Manager
Hector De La Rosa, Assistant City Manager
Eric Casher, City Attorney
Tamara Miller, Community Development Director/City Engineer

Deputy City Clerk De La Rosa announced the agenda was posted on June 14, 2018 at 4:00 p.m. All legally required notices were provided.

3. CONVENE TO A CLOSED SESSION

At 6:09 p.m., Mayor Pro Tem Murray 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, Gregory Ramirez, and Hector De La Rosa,
Assistant City Manager

Employee Organizations: Local 1 & AFSCME

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Gov. Code § 54957

Title: City Manager

C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Gov. Code § 54957

Title: City Attorney

***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 7:10 p.m., Mayor Banuelos reconvened the meeting to open session and City Attorney Casher announced there were NO REPORTABLE ACTIONS.

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations - None

B. Presentations / Recognitions

a. WPCP Project Quarterly Update by Tamara Miller – Presentation moved to allow time for Mr. Warriner to arrive.

b. Recreation/Administration/RDA Successor/Housing Successor Verbal Update by Assistant City Manager De La Rosa

ACTION: Motion by Council Members Swearingen/Murray, to continue item 5Bb to July 3rd agenda. (5-0)

6. CITIZENS TO BE HEARD (Public Comments)

The following speakers addressed the City Council:

Bob Kopp, resident of Pinole, addressed the City Council and provided an update on the Community Service Day. He encouraged the community and Council to attend the City's Car Show on Sunday, June 24, 2018.

Rafael Menis, resident of Pinole, addressed the City Council and stated his intention to run for office and solicited the Council to pass a resolution pertaining to the separation of children from immigrant parents.

James Tillman, resident of Pinole, addressed the City Council and discussed his experience attending a Pinole/Hercules Wastewater Treatment Plant Subcommittee. He has submitted a Public Records request regarding the number of sewer connections for the City of Hercules.

David Rupert, resident of Pinole, addressed the City Council and thanked the community for performing their civic duties on June 5, 2018. He encouraged the community to visit their website at pinoleforfairgovernment.org and provide input for members of the community. Mr. Rupert encourages Council to view issues outside of the community.

Irma Rupert, resident of Pinole, addressed the City Council and stated her concern with the current agenda process of placing items on consent, limiting public comment on agenda items and the process of reporting out of Closed Sessions.

Sal Spataro, resident of Pinole, addressed the City Council and stated his concern with the marketing and promotion of the Senior Center Lunch program with Pinole TV due to cost. He encouraged staff to explore options to support the program. He also inquired about the Code of Conduct decorum for Pinole TV and asked that community members be respectful of each other.

Ivette Ricco, resident of Pinole, addressed the City Council and asked that Council continue to listen and explore new perspectives and new ideas that will benefit community members. She encouraged members of the community to share ideas and concerns by visiting their website at pinoleforfairgovernment.org.

David Kurrent, resident of Pinole, addressed the City Council and inquired about a postcard soliciting business from residents, stating that the City of Pinole supports the program. City Attorney Casher stated that the City will issue a Cease and Desist order to the vendors promoting the program.

7. CONSENT CALENDAR

- A. Approve the Minutes of the Meeting of June 5, 2018
- B. Receive the June 2, 2018 – June 15, 2018 List of Warrants and June 15, 2018 Payroll in the Amount of \$ 328,493.59 and \$ 369,106.27, respectively
- C. Calling the Election for the November 6, 2018 Municipal Election for Council Candidates and Request & Consent for Consolidation with Contra Costa County of the Election and To Set the Specifications of the Election Order
[Action: Adopt Resolution per Staff Recommendation (R. Acosta)]
- D. Adopt a Resolution Establishing the FY 2018-19 Appropriations Limit
[Action: Adopt Resolution per Staff Recommendation (A. Miller)]
- E. Conduct a second reading of an Ordinance Amending the Three Corridors Specific Plan to Allow for Residential uses to Exceed Forty Nine Percent (49%) of the Building Square Footage in the Commercial Mixed Use Land Use District within the San Pablo Avenue Corridor Mixed Use Sub-Area
[Action: Waive 2nd Reading and Adopt Ordinance per Staff Recommendation (E. Casher/W. Rhodes)]
- F. Approving the Adoption of the Public Agencies Post-Employment Benefits Trust Agreement, to be administered by Phase II Systems, doing Business as Public Agency Retirement Services
[Action: Adopt Resolution per Staff Recommendation (H. De La Rosa)]
- H. Update on a Request for Proposals to develop housing at 811 San Pablo Avenue.
[Action: Receive Report (H. De La Rosa)]

ACTION: Motion by Council Members Swearingen/Toms, to approve Consent Calendar Items 7A-1, B, C, D, E, F and H.

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

Item 7A was removed at the request of Assistant City Manager De La Rosa, for a correction to the wording on page 3 Item #3, PCTV funding and additional hours. It shall state that the overtime increase was rescinded due to the availability of additional staff hours created by the Hercules City Council cancellation, which freed hours for City related events.

- A. Approve the Special Meeting Minutes of May 29, 2018

ACTION: Motion by Council Members Long/Swearingen, to approve Consent Calendar Item 7A, minutes of May 29, 2018.

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

Item 7G was removed at the request of the public and Assistant City Manager De La Rosa presented the report and provided background information on the proposed agreement. City Manager Fitzer stated that the approval of this contract will bring the building up to current building code standards and is not a tenant improvement agreement.

- I. Approve a Contract with Interactive Resources Inc. for Architectural Design Services for the Faria House located at 2100 San Pablo Avenue in an amount not to exceed \$85,380
[Action: Adopt Resolution per Staff Recommendation (H. De La Rosa)]

The following speakers addressed the City Council:

Sal Spataro, resident of Pinole, addressed the City Council and stated his support of a museum and his concern with the cost associated with this project.

Ivette Ricco, resident of Pinole, addressed the City Council and requested that Council consider pulling this item to allow members of the public to review thoroughly and expressed her concern with the cost associated with this project.

Irma Rupert, resident of Pinole, addressed the City Council and inquired about the future use of the Faria House and item presented for Council approval.

David Rupert, resident of Pinole, addressed the City Council and stated his support for museums, but expressed his concern with the use of the Faria House and costs associated with the project.

James Tillman, resident of Pinole, addressed the City Council and encouraged the City to solicit grant funding for the project.

Jeff Rubin, President of the Pinole Historical Society and the Pinole History Museum, stated that these are two separate organizations affiliated with one another. He provided Council and the community an update on the efforts done to solicit donations and grant funding.

Council provided comments and asked questions that were answered by City Attorney Casher and City Manager Fitzer.

ACTION: Motion by Council Members Long/Swearingen to approve Consent Calendar Item 7G, adopt a resolution approving a contract with Interactive Resources Inc for Architectural Design Services for the Faria House located at 2100 San Pablo Avenue in an amount not to exceed \$85, 380.

Vote: Passed 4-0-1
Ayes: Long, Murray, Swearingen, Toms
Noes: None
Abstain: Banuelos
Absent: None

Item 7I was removed at the request of Assistant City Manager De La Rosa and City Manager Fitzer provided an update on the proposed amendment to this item. Council asked questions and received responses from City Attorney Casher.

- I. Approve an Amendment to the Task Order for 4Leaf for contract Building Inspector Services in an amount not to exceed \$190,000 and Authorize a Funding Appropriation of \$90,000
[Action: Adopt Resolution per Staff Recommendation (T. Miller)]

The following speakers addressed the City Council:

Irma Ruport, resident of Pinole, addressed the City Council and stated her concern with hiring consultants to perform Building Inspector duties and encouraged that the City hire local community members and improve their recruiting services. City Manager Fitzer provided an update on the City's recruitment process.

Sal Spataro, resident of Pinole, addressed the City Council and inquired about the staffing levels and cost. He encouraged reaching out to the local union to expand recruitment efforts.

Council provided comments and stated that the costs associated with this contract are recovered in the fees.

ACTION: Motion by Council Members Toms/Swearingen, to approve Consent Calendar Item 7I, approve a resolution amending the Task Order for 4 Leaf for Building Inspector services in an amount not to exceed \$210,000 and funding appropriation of \$110,000.

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

City Manager Fitzer thanked Council for approving Item 7F, which is the adoption of the Public Agencies Post-Employment Benefits Trust Agreement she acknowledged Mr. Kevin O'Rourke presence and stated that approval of this item will be an employee benefit that will be discussed with the bargaining units.

- C. Presentations / Recognitions
 - a. WPCP Project Quarterly Update by Tamara Miller

Project Manager Mike Warriner provided an update to Council on the status of the Pinole-Hercules Water Pollution Control Plant Upgrade Project. He informed the Council that this update was presented to the members of the Pinole/Hercules Wastewater Treatment Plant Subcommittee. Council asked questions and received responses.

8. PUBLIC HEARINGS

- A. Adopt a Resolution Authorizing the Submission to Voters of a Ballot Measure seeking Voter Authorization to Amend Municipal Code Chapter 3.26 to extend the term of the City's Existing Utility Users Tax without a Rate Increase at the regularly scheduled November 6, 2018 Statewide General Election
[Action: Approve Resolution per Staff Recommendation (E. Casher)]

City Attorney Casher presented the report and provided an overview of the proposed ballot measure to extend the Utility Users Tax (UUT). The UUT raises approximately \$2,000,000 per year (approximately 14%) and is critical to the funding of the General Fund budget. The UUT will be automatically repealed on December 31, 2020 unless extended by the voters. Mayor Banuelos inquired about the proposed ballot measure that will change from simple majority to 2/3 vote approval and would be retroactive to January 1st. City Attorney Casher provided a response.

At 9:27 p.m., Mayor Banuelos opened the Public Hearing, and the following speakers addressed the City Council:

Rafael Menis, resident of Pinole, addressed the Council and stated his concern with placing UUT item on the upcoming election and the possible confusion of voting approval.

David Kurrent, resident of Pinole, addressed the Council and stated his concern with placing the UUT item on the upcoming election. He suggested postponing placement of the item to the 2020 election year.

William Horton, resident of Pinole, addressed the Council and stated his support of continued funding of the UUT.

Having no additional speakers, at 9:36p.m., Mayor Banuelos closed the Public Hearing.

Council provided comments, asked questions and received responses from City Manager Fitzer and City Attorney Casher.

ACTION: Motion by Council Members Long/Swearingen, to approve a Resolution Authorizing the Submission to Voters of a Ballot Measure seeking Voter Authorization to Amend the Municipal Code Chapter 3.26 to extend the term of the City's Existing Utility Users Tax without a Rate Increase at the Regularly Scheduled November 6, 2018 Statewide General Election

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

9. OLD BUSINESS

None

10. NEW BUSINESS

- A. Adopt the City of Pinole Proposed FY 2018-19 Operations Budget
[Action: Approve Resolution per Staff Recommendation (A. Miller)]

Andrea Miller, Finance Director presented the report and provided a recap of the FY 2018-19 budget planning, and highlight changes from the budget workshop and funds proposed for adoption. Council praised Mrs. Miller on her thorough job of preparing the City's budget.

The following speakers addressed the City Council:

David Kurrent, resident of Pinole, addressed the Council and inquired about budget reserve funding, appropriation of \$200k, Successor Agency funding and staffing concerns. He received responses from Finance Director Miller, City Manager Fitzer and Assistant City Manager De La Rosa.

Rafael Menis, resident of Pinole, addressed the Council and thanked staff for the inclusion of graphic charts in the FY 2018-19 budget.

William Horton, resident of Pinole, addressed the Council and inquired about anticipated reserve funding in anticipation of a looming recession. City Manager Fitzer provided a response.

ACTION: Motion by Council Members Swearingen/Toms, to approve a Resolution Adopting the City of Pinole's Proposed Fiscal Year 2018-19 Operations Budget.

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

- B. Discuss Regional Water Quality Control Board's Tentative Cease and Desist Order issued to the City of Pinole setting deadlines for Trash Reduction Implementation
[Action: Receive Verbal Report and Provide Direction (T. Miller)]

Development Services Director/City Engineer Miller presented the report and provided an update on the Cease and Desist Order issued to the City related to trash reduction. The City continues to work on the Trash Capture Installation project in order to meet the 70% compliance by May 1, 2019. Council asked questions and received responses.

The following speaker addressed the City Council:

Rafael Menis, resident of Pinole, addressed the Council and inquired about the City's residential and commercial units generating trash and the City's plan to adopt a plastic bag ban.

ACTION: Council directed staff to move forward with continued efforts to meet the 70% trash reduction compliance as directed by the Regional Water Quality Control Board – San Francisco Bay Region. Council requested a copy of the annual report that will be submitted by September 30, 2018.

Motion By Council Members Swearingen/Long, the Council Extended the Meeting past 11:00p.m. (5-0)

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
1. Announcements

Mayor Banuelos attended the Mayors' Conference and the West Contra Costa Unified School District meeting and provided an update.

B. Mayoral & Council Appointments

None

C. City Council Committee Reports & Communications

Councilmember Swearingen attended the West Contra Costa Transportation Advisory Committee (WCCTAC) meeting and provided an update.

Councilmember Toms attended the League of California Cities Environmental Quality Policy Committee and provided an update. She thanked members of the Police and Fire Department for their participation in the Torch Run and their continued commitment to Special Olympics. In addition, Councilmember Toms suggested hosting a Town Hall meeting in late September to discuss the impacts to the community if the SB1 repeal is successful.

Mayor Pro Tem Murray attended the West Contra Costa Integrated Waste Management Authority (WCCIWMA) meeting and provided an update to Council.

Councilmember Long attended the Wastewater Treatment Plant Subcommittee.

D. Council Requests for Future Agenda Items

1. Discuss condition of Pinole Skateboard Park and create action plan (5-0)
2. Staff will draft a letter to Congressman Thompson regarding SB 3036 Keep Families Together Act for Council's review. (5-0)
3. Discussion of Senior Center lunch program funding resources. (5-0)
4. Discuss potential restrictions of flavored tobacco/vape products. (5-0)
5. Discuss Town Hall Education Night to discuss budget, UUT, Transportation taxes and Capital Improvement Projects late September. (5-0)

E. City Manager Report / Department Staff

Assistant City Manager De La Rosa informed Council and the community of Dave Clark's Celebration of Life event that will be held on Sunday, July 8, 2018 from 3:30 p.m. to 6:30 p.m. at the Pinole Senior Center.


F. City Attorney Report

None

12. ADJOURNMENT to the Regular City Council Meeting of July 3, 2018 in Remembrance of Amber Swartz.

At 11:37 p.m., Mayor Banuelos adjourned the Regular City Council Meeting of June 19, 2018, in Remembrance of Amber Swartz, community member Lillian Agustin and our Military personnel all around the world.

Submitted by:


Rosa G. Acosta
City Clerk



Approved by City Council: July 3, 2018