

**CITY COUNCIL MEETING
MINUTES
FEBRUARY 5, 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 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

Peter Murray, Mayor
Roy Swearingen, Mayor Pro Tem
Vincent Salimi, Council Member
Anthony Tave, Council Member
Norma Martinez-Rubin, Council Member

B. STAFF PRESENT

Michelle Fitzer, City Manager
Hector De La Rosa, Assistant City Manager
Eric Casher, City Attorney
Neil Gang, Police Chief
Tamara Miller, Development Services Director/City Engineer
Winston Rhodes, Planning Manager

Deputy City Clerk De La Rosa announced the agenda was posted on January 31, 2019 at 4:00 p.m. All legally required notice was provided.

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

At 6:02 p.m., Mayor Murray convened to a Noticed Closed Session to discuss the following items:

A. CONFERENCE WITH LABOR NEGOTIATORS

Gov. Code § 54957.6

Hector De La Rosa, Asst. City Manager & Bruce Heid and Greg Ramirez, IDEA Employee Organizations: All Groups

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Gov. Code § 54956.9(d) (2)

One Matter

C. PUBLIC EMPLOYMENT

Gov. Code § 54957 – City Attorney Staffing Update

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

At 7:05 p.m., Mayor Murray reconvened the meeting in open session. City Attorney Casher reported that the City Council provided staff with direction to file a claim against PG&E in bankruptcy court.

5. CITIZENS TO BE HEARD (Public Comments)

At 7:06 pm, the Mayor inquired if there were any Public Comments. The following speakers addressed the City Council:

Rafael Menis, resident of Pinole, requested information on baseline and optimum cost for street repairs and that the City consider passing a resolution in support of Adult Schools.

Michele Tashinian, El Sobrante Art Guild member, spoke about the Art Guild and expressed the need for a local venue for their fundraising event.

Maureen Toms, resident of Pinole, address concerns about annexing fire services into the Hercules tax district due to differences in tax share and spoke about timing to put a tax measure on the tax roll.

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamations
- B. Presentations
 - a. Police Department Update by Chief Neil Gang

Police Chief Neil Gang provided an update report on the Police Departments goals.

The following speaker addressed the City Council:

Rafael Menis, resident of Pinole, asked for clarification on link between body cameras and taser weapons.

- b. Code Enforcement Update by Development Services Director Tamara Miller

Development Services Director/City Engineer Tamara Miller presented a Powerpoint on the status of Code Enforcement efforts.

7. CONSENT CALENDAR

- A. Approve the Minutes of the Meetings of January 15, and January 22, 2019
- B. Receive the January 12, 2019 – February 1, 2019 List of Warrants in the Amount of \$505,606.19 and the January 25, 2019 Payroll in the Amount of \$401,917.61
- C. Approve A Resolution Amending Council Meeting Procedures Approved In Resolution 2018-113 On December 18, 2018 [Action: Approve Resolution Per Staff Recommendation (Fitzer/Athenour)]

- D. Approve For Bidding The Plans and Specifications For The Fernandez Park Restroom Replacement Project **[Action: Approve Resolution Per Staff Recommendation (Miller)]**
- E. Award Of Contract To Bond Blacktop, Inc. In The Amount Of \$157,044.70 For Construction Of The Pavement Slurry Seal Project At Various Locations And Authorizing Amending The Funding Allocation To \$203,524.70 **[Action: Approve Resolution Per Staff Recommendation (Miller)]**
- F. Rescind Resolution 2018-106, Approve a Flexible Spending Plan (FSA) For AFSCME Members And Authorize The City Manager To Execute An Agreement With Total Administrative Services Corporation (TASC) To Administer the FSA Plans **[Action: Approve Resolution Per Staff Recommendation (De La Rosa)]**

ACTION: Motion by Councilmembers Swearingen/Martinez-Rubin to approve Consent Calendar Items 7A – 7D, and 7F.

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

Agenda Item E was pulled for further discussion. Development Services Director/City Engineer Tamara Miller presented the report speaking to the cost of the project.

The following speaker addressed the City Council:

Rafael Menis, resident of Pinole, inquired about the proposed contingency and the increase in the proposals.

ACTION: Motion by Councilmembers Swearingen/Tave to approve Consent Calendar Items 7E.

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

8. PUBLIC HEARING

- A. Public Hearing To Consider Determination Of Public Convenience Or Necessity (PCN) For. Bear Claw Bakery & Café At 2340 San Pablo Avenue **[Action: Conduct Public Hearing and Approve Findings per Staff Recommendation (Rhodes)]**

Planning Manager Winston Rhodes presented the report and requesting consideration determination of Public Convenience or Necessity for a Beer and Wine License for the Bear Claw Bakery and Café.

Teresa Slott, Bear Claw Owner, briefly spoke to their request for a Beer and Wine license.

At 9:12 pm, Mayor Murray opened the Public Hearing.

The following speakers addressed the City Council:

Maureen Toms, resident of Pinole, stated she supports the request for a beer and wine license.

Ivette Rico, resident of Pinole, supports the business owners' request.

David Rupert, resident of Pinole, supports the business owners' request.

Bob Kopp, resident of Pinole, supports the business owners' request.

At 9:20 pm, Mayor Murray closed the Public Hearing.

ACTION: Motion by Councilmembers Tave/Martinez-Rubin to approve Consent Calendar Items 7E.

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

9. OLD BUSINESS

NONE

10. NEW BUSINESS

- A. Consider Initiating City Council Teambuilding and City Strategic Planning Processes **[Action: Receive Report & Provide Direction (Fitzer)]**

City Manager Fitzer presented the report seeking direction from the Council for a Teambuilding and Strategic Planning Session.

Councilmembers discussed the benefits of having a Teambuilding and Strategic Planning session.

The following speaker addressed the City Council:

Rafael Menis, resident of Pinole, inquired as to the extent of the strategic planning session. Whether it would include an assessment of the overall physical and funding state.

11. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Announced he attended the West County Mayor's meeting where they discussed the closure of Alta Bated Hospital, attended the County Oversight Board meeting with the Board approving the ROPS for fourteen cities, announced the Rotary Crab feed, and wished everyone a Happy Chinese new year.

B. Mayoral & Council Appointments

NONE

C. City Council Committee Reports & Communications

Councilmember Martinez-Rubin stated she attended the WestCat Board meeting and the City Council League Conference.

Mayor Pro Tem Swearingen attended the East Bay League meeting with City Manager Fitzer, was elected as the alternate for the WCCTAC meeting, and stated MCE will be filing a lawsuit against PG&E.

Councilmember Tave stated he reached out to the Director of BART, mentioned that Mike Thompson's office will be having a forum on Feb. 9th on Gun Violence, schools are seeking support against Charter schools. He mentioned that there is a Diversity, Equality and Inclusion workshop in Oakland, Coffee with a Cop on Feb. 15th at Starbucks, there are Planning Commission vacancies, and stated business owners would like to see the issue of Economic Development come before the Council.

D. Council Requests For Future Agenda Items

Discuss Code Enforcement at the April 2nd Council meeting.

Councilmember Salimi would like to have a discussion on becoming a Charter City.

At 10:41 pm, Councilmember Tave excused himself and left the meeting.

E. City Manager Report / Department Staff

NONE

F. City Attorney Report

NONE

12. ADJOURNMENT to the Special Council Meeting of February 9, 2019 and in Remembrance of the Amber Swartz.

At 10:57 p.m., Mayor Murray adjourned to the Special City Council meeting of February 9, 2019, in Remembrance of Amber Swartz and Francis Flores.

Submitted by:



Hector De La Rosa, Deputy City Clerk

Approved by City Council: March 5, 2019

